

OVERVIEW OF USDA ANIMAL DAMAGE CONTROL PROGRAM

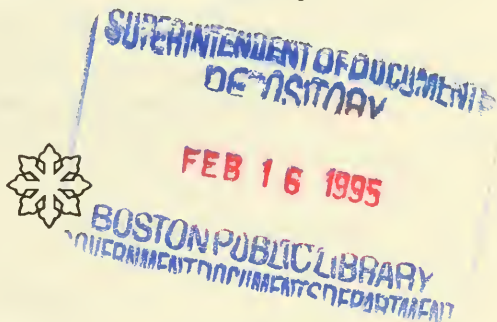
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view of USDA Animal Damage Cont...

HEARING BEFORE THE INFORMATION, JUSTICE, TRANSPORTATION, AND AGRICULTURE SUBCOMMITTEE OF THE COMMITTEE ON GOVERNMENT OPERATIONS HOUSE OF REPRESENTATIVES ONE HUNDRED THIRD CONGRESS SECOND SESSION

APRIL 22, 1994

Printed for the use of the Committee on Government Operations



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OVERVIEW OF USDA ANIMAL DAMAGE CONTROL PROGRAM

FRIDAY, APRIL 22, 1994

HOUSE OF REPRESENTATIVES,
INFORMATION, JUSTICE, TRANSPORTATION,
AND AGRICULTURE SUBCOMMITTEE
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, DC.

The subcommittee met, pursuant to notice, at Wyoming Oil and Gas Commission, 777 West First Street, Casper, WY, at 2 p.m., Hon. Gary A. Condit (chairman of the subcommittee) presiding.

Present: Representatives Gary A. Condit and Craig Thomas.

Also present: Edward L. Armstrong, professional staff member; and Diane M. Major, minority professional staff, Committee on Government Operations.

OPENING STATEMENT OF CHAIRMAN CONDIT

Mr. CONDIT. We will get this meeting started. It's good to be in Casper. I would like to thank your Congressman and our subcommittee's ranking minority member, Mr. Craig Thomas, for this invitation.

This subcommittee has broad oversight jurisdiction over the U.S. Department of Agriculture. Since I became chairman, we have examined the USDA's reorganization, transportation subsidies that affect exports, export programs, and farm and housing loans.

The assistance of Mr. Thomas in these investigative matters has been invaluable. Today, at his request, we will begin an investigation into the management of the Animal Damage Control Unit of USDA. Protection of crops and livestock from damage by wildlife is a difficult issue. When ADC provides direct assistance, it must both work with the producers and attempt to navigate a maze of Federal and State laws.

There are a variety of measures that can be taken to assist producers with wildlife problems. Today's testimony will help us better understand, I believe, about how these decisions are made. Today we will search for ways to improve the delivery of the programs that are administered by the ADC. We have invited officials from USDA and the Department of Interior to participate in this hearing, and I greatly appreciate their effort and preparing testimony and their attendance.

We will also hear from producers and conservationists regarding their relationship with the Federal programs involved with animal damage control. I am interested in finding out the status of the ADC environmental impact statement that was issued earlier this

month. I look forward to hearing the comments of local producers on this issue, as well.

We will also be taking a close look at the ADC's budget today. Being a westerner myself, I am very interested in finding out if the agency's resources are shared fairly throughout this Nation.

I am told that there is a proposal to make the ADC the primary agency in the National Environmental Protection Act compliance process and we hope to have some questions or at least maybe have the witnesses give us some views about whether this will help make the process more efficient and effective.

I'm looking forward to the testimony of all the witnesses today and, once again, I would like to thank everyone involved for their invitation and warm reception the subcommittee has received. We are delighted and honored to be here with our colleague, who has been a strong member of this subcommittee and the full committee and has assisted us in most issues that this subcommittee has undertaken. I want him to know that I personally appreciate that. It's made my job much easier and we're delighted to be here.

I am going to turn the floor over to him and let him make whatever statement he cares to make and let him, as we begin each panel, introduce the witnesses, because I know that you know most of the people in this room, Craig. So the floor is yours.

Mr. THOMAS. Thank you very much, Mr. Chairman. I really do appreciate you, on your way to California, taking the time to stop. You've been very cooperative working with us on the things you've talked about. So I thank you for taking time to come here. Your leadership is appreciated in this subcommittee as we attempt to improve the effectiveness of USDA programs, from the reorganization effort to regulatory matters.

One USDA policy that is of great concern to Wyoming is the Animal Damage Control Program. Since 1985, this program's effectiveness for protecting livestock has declined as resources at the field level have been reduced and predation levels have increased.

In fact, according to the Wyoming Agricultural Statistics Service report, predators killed 97,500 head of sheep and lambs in our State during 1993, a 13 percent increase over the high 1992 kill level. The 1993 livestock losses represent \$4.2 million in economic loss to Wyoming people, businesses, and communities.

In a small State like Wyoming, losing 4.2 million in 1 year is felt dearly. Knowing that could have been prevented—perhaps if our programs were more effective—is what brings us here today. Couple these with the economic losses, with the end of the Wool and Mohair Program, and with the efforts to raising grazing fees, the sheep industry is in a precarious position in our State.

Protecting livestock, however, is not the only function of the ADC. Sportsmen depend on ADC to protect the game. The coyote population is rapidly increasing from all reports. As a result, Wyoming deer and antelope are being preyed upon and that directly impacts hunters.

If we are going to manage multiple-use lands, it seems to me there has to be some balance among these uses. In order to do that, the predator is a portion of that and needs to be balanced, as well. Because 50 percent of Wyoming is controlled by the Federal Gov-

ernment, Congress must continue to design Federal programs which emphasize multiple use.

Public lands are used for timbering, hunting, recreation, grazing, wildlife habitat, and mineral production. It is my clear commitment that public lands in Wyoming should be used for a variety of purposes and should not be decided upon by one particular group.

It is true that the ADC program is overburdened with regulations, such as the National Environmental Policy Act, the Endangered Species Act, and the Fish and Wildlife Conservation Act. These laws have significantly impacted ADC activities and as a result, many personnel are too busy keeping up with the administrative requirements and unable to devote their time to the field.

Regulatory directives are not the only issue affecting the ADC program. A majority of the funding levels of ADC have been earmarked by Congress for special projects in the eastern region. This, in turn, reduces research funding levels for wildlife damage and the protection of livestock.

Because policies on public lands keep changing, there is no clear coordination between ADC, the Bureau of Land Management, and the U.S. Forest Service. Today's hearing should help us find some answers for improving the ADC program, and that is the purpose of the hearing.

It's vital, I think, as the subcommittee with oversight jurisdiction over the U.S. Department of Agriculture, that we explore these avenues. We look forward to the witnesses being able to give us some insight into what might be done.

I suppose you could sum it up by saying what should we be doing. If, indeed, the losses are greater, and I think they are both in livestock and in wildlife, then why are they? What is it about the program that is not working as effectively as it should? And, in fact, what changes should be made? Is there satisfactory sufficient budget allocations to do this job?

I think these are the core questions that we need to address ourselves to. Mr. Chairman, Senator Simpson has a statement and I would like to ask that it be entered in the record.

Mr. CONDIT. Without objection.

[The prepared statements of Mr. Thomas, Mr. Simpson, and Mr. Wallop follow:]

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CONGRESSMAN CRAIG THOMAS

OPENING STATEMENT

REVIEW OF THE USDA ANIMAL DAMAGE CONTROL PROGRAM

April 22, 1994
Wyoming Oil and Gas Commission Building
Casper, Wyoming

Mr. Chairman, thank you for taking the time to come to Wyoming. Your leadership is greatly appreciated as this subcommittee attempts to improve the effectiveness of USDA programs -- from reorganization efforts to regulatory matters.

One USDA policy that is of great concern to Wyoming is the Animal Damage Control (ADC) program. Since 1985, this program's effectiveness for protecting livestock has declined as resources at the field level are reduced and predation levels have increased. In fact, according to the Wyoming Agricultural Statistics Service Report, predators killed 97,500 head of sheep and lambs in our state during 1993 -- a 13 percent increase over the high 1992 kill level. The 1993 livestock loss represents a \$4.2 million economic loss to Wyoming people, businesses and communities. In a small state like Wyoming, losing \$4.2 million in one year is felt dearly. And knowing that could have been prevented if federal programs were implemented effectively, is what brings us here today. Couple these economic losses with the Clinton administration's proposal to kill the Wool and Mohair program, and Wyoming's sheep industry is being slowly driven out of the state.

Protecting livestock, however, is not the only function of ADC. Sportsmen depend upon ADC to protect game. The coyote population is rapidly increasing. As a result, Wyoming deer and antelope are being preyed upon, which has directly impacted hunters.

Because 50 percent of Wyoming is controlled by the federal government, Congress must continue to design federal programs that emphasize multiple use. Public lands are used for timbering, hunting and recreation, grazing, wildlife habitat, and mineral production. It is my clear commitment that our public lands in Wyoming should be used for a variety of purposes and should not be decided by one particular interest group.

It is true that the ADC program is overburdened with regulations, such as the "National Environmental Policy Act," the "Endangered Species Act," and the "Fish and Wildlife Conservation Act." These laws have significantly impacted ADC activities and as

-2-

a result, many personnel are too busy keeping up with administrative requirements and unable to assess damage in the field.

However, regulatory directives are not the only issue affecting the ADC program. The majority of the funding levels for ADC have been earmarked by Congress for special projects in the eastern region. This in turn reduces research funding levels for wildlife damage and the protection of livestock. And because policies on public lands keep changing, there is no clear coordination between ADC, the Bureau of Land Management and the U.S. Forest Service.

Today's hearing should help us find answers for improving the ADC program. Since our subcommittee has oversight jurisdiction of the U.S. Department of Agriculture, it is vital that we explore every avenue. Today's witnesses should help us in that effort and I look forward to their recommendations.

Statement of Senator Alan K. Simpson
regarding Animal Damage Control, 1994

April 22, 1994

GOOD AFTERNOON. I WOULD FIRST TAKE THIS OPPORTUNITY TO EXPRESS MY REGRETS THAT, DUE TO A LONG STANDING SCHEDULING CONFLICT, I AM NOT ABLE TO ATTEND THIS FIELD HEARING IN PERSON.

I ALSO OFFER MY MOST HEARTFELT PRAISE FOR CRAIG THOMAS, WYOMING'S FINE AND ABLE CONGRESSMAN. THOSE PRESENT AT THIS HEARING WELL KNOW THAT CRAIG HAS DONE YEOMAN'S WORK FOR WYOMING AND HAS BEEN A MOST VALUABLE CONTRIBUTING MEMBER OF WYOMING'S CONGRESSIONAL DELEGATION.

THIS HEARING IS BEING CONDUCTED TO REVIEW THE ANIMAL DAMAGE CONTROL (ADC) POLICIES OF THE FEDERAL GOVERNMENT. IT IS SO VERY CLEAR THAT THE ADC PROGRAM HAS NOT BEEN ANY KIND OF A PRIORITY IN THE CURRENT ADMINISTRATION. THAT IS MOST REGRETTABLE. THE FAILURE OF THE ADMINISTRATION TO PROPERLY DEFEND THE ADC PROGRAM WHEN CHALLENGED AND THE ADMINISTRATION'S FAILURE TO PROPERLY FUND THIS PROGRAM HAS PROVEN TO BE A SEVERE AND GREAT HARDSHIP TO MANY WYOMINGITES. MANY FINE, HARD WORKING AND HONEST AMERICANS, PARTICULARLY WOOLGROWERS, HAVE SUFFERED SERIOUSLY UNFAIR ECONOMIC HARDSHIPS BECAUSE OF THIS LACK OF ADMINISTRATION SUPPORT.

THE ADC PROGRAM HAS MANY HIGHLY COMMENDABLE GOALS. PREDATOR CONTROL IS ONLY A SMALL PART OF THE ADC MISSION. WHILE THE PRINCIPAL IMPORTANCE OF ADC IN WYOMING IS, INDEED, COYOTE CONTROL, WE MUST RECOGNIZE THAT ADC PROGRAMS ALSO FOCUS ON OTHER SPECIES -- BOTH PLANT AND ANIMAL. ADC IS CRUCIAL TO A HEALTHY AGRICULTURE INDUSTRY IN THE UNITED STATES.

I HAVE JUST FINISHED REVIEWING THE FINAL ENVIRONMENTAL IMPACT STATEMENT ON ADC ON THE NATIONAL LEVEL. I AM HEARTENED, AND YET NOT TO SURPRISED, THAT THE ONLY LOGICAL PREFERRED ALTERNATIVE RECOMMENDED BY THE EIS, RELATING TO COYOTE CONTROL, WAS TO CONTINUE WITH THE USE OF TRADITIONAL MANAGEMENT TOOLS. THE FINAL EIS CLEARLY STATED THAT CONTINUED LETHAL CONTROL OF COYOTES WAS THE MOST PRACTICAL, AND MOST COST EFFICIENT, METHOD OF COYOTE POPULATION MANAGEMENT. THE EIS DID, HOWEVER, RECOMMEND ADDITIONAL RESEARCH INTO NON-LETHAL ALTERNATIVES. I SUPPORT BOTH RECOMMENDATIONS.

I HASTEN TO ADD, HOWEVER, THAT IT IS CRUCIAL THAT SECRETARY OF AGRICULTURE ESPY "SIGN OFF" ON THE EIS AND THEN FOR HIM TO SUPPORT FULL AND COMPLETE FUNDING FOR ADC ACTIVITIES.

FUNDING IS NOW THE PRINCIPAL OBSTACLE TO THE IMPLEMENTATION OF MEANINGFUL PREDATOR CONTROL ACTIVITIES. I WILL WORK HARD TO SUPPORT FULL FUNDING OF ADC IN THE SENATE.

I WAS ALSO PLEASED TO NOTE THAT THE INTERIOR BOARD OF LAND APPEALS RECENTLY REFUSED TO BAN COYOTE CONTROL ON BLM LANDS IN WYOMING. I BELIEVE THAT NOW THE BLM CAN ALLOW ADC ACTIVITIES TO "CRANK UP" IN TIME TO MAKE A DIFFERENCE IN PROTECTING OUR LIVESTOCK INDUSTRY THIS YEAR. THERE HAVE ALREADY BEEN FAR TOO MANY PREDATION LOSSES. THE BURDEN IS ON AGENCIES OF THE FEDERAL GOVERNMENT TO STEP IN AND BEGIN CONTROL METHODS IMMEDIATELY. BY DOING SO, PERHAPS LOSSES TO NEXT YEAR'S LAMB CROP CAN BE REDUCED DRAMATICALLY.

I AM SURELY TROUBLED BY THE INTERVENTION OF CERTAIN WELL INTENTIONED, BUT MISTAKEN, ANIMAL RIGHTS GROUPS IN THE ADC PROGRAM. THE LITIGATION THAT HAS BEEN INITIATED DURING THESE PAST TWO YEARS HAS BEEN WHOLLY UNNECESSARY. THE RECENT EIS PROVES THAT FOR THE MOST PART THE ADC PROGRAM HAS BEEN CONDUCTED WISELY, SAFELY, AND AS HUMANELY AS POSSIBLE.

I WOULD HUNCH THAT IF THOSE GROUPS WERE TO INVEST THEIR FUNDS

IN RESEARCH, RATHER THAN LITIGATION, WE WOULD BE MUCH CLOSER TO DEVELOPING EFFECTIVE, NON-LETHAL, FORMS OF PREDATOR CONTROL. THE EIS WHICH I REFERRED TO ALSO CONCLUDES THAT ADDITIONAL RESEARCH INTO NON-LETHAL METHODS IS A DESIRABLE POLICY TO PURSUE WHILE CONTINUING ADC OPERATIONS AS WE HAVE IN THE RECENT PAST. IN CLOSING MY COMMENTS TODAY, I WOULD SUGGEST THAT THE NATIONAL ANIMAL RIGHTS ORGANIZATIONS CONSIDER BEGINNING COOPERATIVE, NOT ADVERSARIAL, EFFORTS WITH OUR LIVESTOCK INDUSTRY IN ORDER TO ACCOMPLISH THAT GOAL.

EFFECTIVE AND PROPERLY FUNDED PREDATOR CONTROL IS AN ABSOLUTE NECESSITY TO THE HEALTH OF A VITAL NATIONAL INDUSTRY. LIKEWISE, OUR LIVESTOCK INDUSTRY RECOGNIZES THAT A HEALTHY ENVIRONMENT IS CRUCIAL TO THEIR SURVIVAL. BOTH SIDES CAN -- AND SHOULD -- SEND THE LAWYERS HOME AND SPEND THOSE HARD EARNED ATTORNEY FEES ON RESEARCH. BY WORKING TOGETHER, THE GOALS OF BOTH SIDES CAN BE ACCOMPLISHED.

THANK YOU AGAIN FOR ALLOWING ME THIS OPPORTUNITY TO SHARE MY THOUGHTS WITH YOU. I COMMEND ALL ATTENDING THIS HEARING FOR THEIR CONCERN AND FOR THEIR INVOLVEMENT. DEMOCRACY IS NOT A "SPECTATOR SPORT"!

BEST PERSONAL REGARDS TO YOU ALL.

Statement by Senator Malcolm Wallop
Committee on Government Operations
Subcommittee on Information, Justice,
Transportation and Agriculture
Field Hearing on U.S. Department of Agriculture's
Management of Animal Damage Control Program
Casper, Wyoming
April 22, 1994

Mr. Chairman, thank you for holding this hearing on the U.S. Department of Agriculture's management of the Animal Damage Control program.

While this hearing will focus on problems created for the livestock industry by actions of the Bureau of Land Management, it is clear that the major issue is ensuring that properly authorized and adequately funded predator control programs continue.

I cannot overemphasize the importance of the ADC program to the Wyoming livestock industry. As you will hear today, Mr. Chairman, the statistics comparing the last full year of the program against this last springs lambing and calving season are available. The direct costs to the livestock industry are in the millions of dollars. No estimate has been made of the indirect costs to the largely rural communities that depend on the livestock industry in Wyoming.

The alternative, private action on private land, frankly just won't work. Unilateral actions by private individuals are largely ineffective when there is a checkerboard pattern of

ownership as is frequently the case in Wyoming. The nature of land ownership patterns in Wyoming dictates that the Federal Government is in the best position to operate this partnership with the States and private landowners. To do less is irresponsibility from Wyoming's biggest neighbor.

Predators know no boundaries. A coyote born and bred on Federal land will as likely kill a ewe on private or State land, as on Federal land.

In addition, we must see that this program is fully funded and staffed. The ADC program was moved from the Department of the Interior to the Department of Agriculture for appropriate reasons. We must consolidate the program now, and assure full funding.

I will be very interested in the testimony you receive today, Mr. Chariman, and look forward to restoring the program to full functioning and funding levels in the Department of Agriculture.

Thank you Mr. Chairman.

Mr. CONDIT. We will ask the first panel to come forward and take their places. We have four. Mr. Nicholls, Mr. Curnow, Mr. Rightmire, and Mr. Murkin. I don't want to panic anyone, but the committee has a policy of swearing all witnesses in. So if you would stand and raise your right hand, I'm going to deliver the oath.

[Witnesses sworn.]

Mr. CONDIT. Let the record indicate everyone said "I do." Mr. Thomas, I'm going to ask you to make introductions.

Mr. THOMAS. These, Mr. Chairman, are the gentlemen that represent the agencies involved. Mr. Nicholls is the Western Regional Director of the Animal Damage Control Program in Denver, and we're delighted to have you here. Dr. Curnow is the Acting Director of the USDA Denver Wildlife Research Center, which is in the same agency, I believe, and funded in the same way.

Mr. Rightmire is here in Casper and is the Wyoming State Director of the Animal Damage Control. Mr. Murkin is with the State headquarters of the Bureau of Land Management in Cheyenne and is the Deputy State Director for Lands and Renewable Resources.

Gentlemen, we are very pleased that you've taken time to come. I hope that you can help us find solutions because we're not here to be critical. We're here to see what we can do to make this program work better for all the folks who are involved. So we appreciate you being here.

Mr. CONDIT. Mr. Nicholls, you can start.

STATEMENT OF THOMAS NICHOLLS, WESTERN REGIONAL DIRECTOR, ANIMAL DAMAGE CONTROL PROGRAM, USDA ANIMAL AND PLANT HEALTH INSPECTION SERVICE ADMINISTRATION, ACCOMPANIED BY RICHARD CURNOW, ACTING DIRECTOR, USDA DENVER WILDLIFE RESEARCH CENTER

Mr. NICHOLLS. Thank you, Mr. Chairman. I am pleased to be here today to speak before this group about the Animal Damage Control Program. The Animal and Plant Health Inspection Service, or APHIS, is pleased to participate in this hearing today.

In the interest of time, I will summarize my comments. The full text of my testimony has been submitted earlier for the record.

ADC recognizes that wildlife is a public resource that has many values—economic, recreational, and aesthetic. However, wildlife does at times cause damage and loss to American agriculture, facilities and structures, natural resources, and the public health and safety. This damage costs hundreds of millions of dollars every year.

ADC's mission is to provide Federal leadership in managing problems caused by wildlife through service to farmers, ranchers, and the general public using balanced, safe, effective and practical methods.

ADC began as a service-orientated program and we maintain the goal today. Over the years, we have maintained a close working relationship with related Federal and State agencies to administer wildlife damage control programs in our eastern and western regions. The mechanism ADC uses to distribute its Federal allocation to its two regions is dependent on the kind and level of cooperator support in each State.

Right now, we are striving to reach a 50/50 cost share. In the western region, 40 percent of any new Federal money coming into the program is distributed based on a historical allocation for each program. The remaining 60 percent is distributed based on each State's percentage of the total amount of cooperator funding in the region.

In the eastern region, there were no cooperative programs until 1987. So there is no precedent to guide the distribution of funds in this area. Each eastern State's Federal funding is distributed to provide at least a minimal level of technical assistance.

Some ADC activities are mandated in appropriation language which has contributed to the different funding levels in some States. Overall, ADC employees are assigned to projects based on cooperative agreements within each State, the availability of funding and a number of requests for assistance.

ADC completed its final programmatic environmental impact statement this March and the document is now available to the public. We have sent copies of the EIS to everyone who commented on the draft EIS. The formal notice of availability will appear in the Federal Register soon and the record decision should be signed shortly thereafter.

In carrying out its day-to-day activities, ADC works closely with several Federal agencies, including the Fish and Wildlife Service, U.S. Forest Service, U.S. Bureau of Land Management, the Federal Aviation Administration, and the Department of Defense.

To formulate the relationships and the interagency coordination required to carry out its mission, ADC has entered into a memorandum of understanding with each of these agencies. In June 1993, ADC and the Forest Service renegotiated their agreement, which gives ADC lead responsibility for compliance with the National Environmental Protection Act, or NEPA. Our predator management activities on Federal lands are managed by the Forest Service.

A similar MOU or memorandum of understanding is being negotiated now with the Bureau of Land Management. We expect that document to be completed by this October. The ADC program is guided by a number of Federal and State authorities. The law that gives ADC its primary statutory authority is the Animal Damage Control Act of 1931.

As I mentioned before, ADC must comply with NEPA regulations. If another Federal or State agency declares an emergency, then ADC may follow an alternative course of compliance with NEPA. The Bureau of Land Management memorandum last year stated that predator control activities on Bureau of Land Management lands would cease until all Bureau of Land Management lands were in compliance with NEPA.

Under that memorandum, predator control can still occur in some BLM districts if certain emergency criteria are met, but those criteria are determined and set by the Bureau of Land Management. In conducting its activities, ADC uses an integrated pest management approach to prevent or minimize wildlife conflicts with humans and agriculture. Integrated pest management involves the integration and application of all practical methods of prevention and control to reduce wildlife damage.

It includes both lethal and nonlethal methods. An integrated pest management approach is necessary because no one tool or methodology is currently successful in resolving most wildlife damage problems. When practical, ADC professionals use nonlethal techniques, such as exclusion devices, guarding dogs, repellents, noise-makers, or improved husbandry practices and foothold traps.

However, when these means of control are explored and found to be impractical, lethal control methods must be utilized. These include traps, snares, aerial hunting, EPA-registered chemicals, and shooting.

Before selecting a control method, ADC officials consider the specific biological, social and economic, as well as the physical and environmental impacts associated with each wildlife damage situation. Also, all actions ADC takes are in response to roughly 225,000 requests received annually.

ADC also operates a state-of-the-art laboratory in the Denver Wildlife Research Center, whose purpose is to explore alternative methods for controlling wildlife damage. One study is looking at new ways of controlling blackbird predation on blueberry crops by changing the sugar makeup of the fruit to make it unpalatable for the bird.

Another study is exploring the use of electronic sensors in traps to let trappers know immediately when traps have been sprung. Another avenue our scientists are following involves the use of immunocontraceptives in wildlife to help manage problem deer populations.

Research projects such as these recently led to the development of the electronic guard—a siren and strobe frightening device that scares coyotes away from sheep herds. In 1990, the National Agricultural Statistics Service, or NASS, surveyed sheep producers across the United States to determine the extent of wildlife predation to sheep. Results indicated that predators caused about a \$21.7 million loss to the sheep industry that year.

Of all animal predators, coyotes were the largest cause of sheep and lamb losses, accounting for 62 percent or \$13.5 million in losses. Also, NASS used a similar survey method in 1992 to establish the extent of wildlife predation to the cattle industry. Survey results indicated that predators cause about \$41.5 million annual loss to that industry, with coyotes responsible for about 59 percent or \$24.3 million of the total loss.

With that, I conclude my remarks. I thank you for the opportunity to speak before this committee. As you have pointed out, I have Dr. Richard Curnow, the Acting Director of our Denver Wildlife Research Center, and Mr. Bill Rightmire, State Director for Wyoming, and I are all available to answer any questions that the committee may have at this time.

[The prepared statement of Mr. Nicholls follows:]

**REMARKS OF THOMAS NICHOLLS
WESTERN REGIONAL DIRECTOR
ANIMAL DAMAGE CONTROL PROGRAM
ANIMAL AND PLANT HEALTH INSPECTION SERVICE
BEFORE
THE HOUSE COMMITTEE ON GOVERNMENT OPERATIONS
SUBCOMMITTEE ON INFORMATION, JUSTICE,
TRANSPORTATION & AGRICULTURE
CASPER, WYOMING
APRIL 22, 1994**

I am pleased to be here today to speak to you about the Animal Damage Control program. The Animal and Plant Health Inspection Service (APHIS) welcomes this opportunity to discuss the complex issues that surround this program. I will focus my remarks today largely on those points of special interest you highlighted in your letter of invitation.

But before I begin addressing your particular interests, I'd like to provide some background about the ADC program and the reasons for its existence. The ADC program was established more than 80 years ago in response to requests for assistance in preventing livestock depredation by wild animals. Today, ADC recognizes that wildlife is a public resource that has many values--economic, recreational and aesthetic.

However, wildlife does, at times, cause damage and loss to

American agriculture, facilities and structures, natural resources and the public health and safety. This damage costs hundreds of millions of dollars every year.

ADC's mission is to provide Federal leadership in managing problems caused by wildlife through service to farmers, ranchers, and the general public using balanced, safe, effective, and practical methods. ADC began as a service-oriented program and we maintain that goal today.

Over the years, the ADC program has resided in both the Department of Agriculture and the Department of the Interior. Since 1986, the ADC program has been run by APHIS, and we have maintained close working relationships with related Federal and State agencies to administer wildlife damage control programs in our eastern and western regions.

The mechanism ADC uses to distribute its Federal allocation to its two regions is dependent on the kind and level of cooperator support in each State. Right now, cooperator support varies from state to state, but we are striving to reach a 50-50 cost share in the next few years.

In the western region, 40 percent of any new Federal money coming into the program is distributed based on the historical allocation for each program. The remaining 60 percent is

distributed based on each State's percentage of the total amount of cooperator funding in the region.

Until 1987, there were no cooperative programs in the eastern region, so there was no precedent to guide the distribution of funds in this area. Each eastern State's Federal funding is distributed to provide at least a minimal level of technical assistance. In many eastern States, the cooperators, such as State or county governments or airport authorities, often pay 100 percent of the operational costs for ADC assistance. In these instances, the Federal allocation has been increased to cover the costs of administering these projects.

In addition, some activities are mandated in appropriations language, which has contributed to the different funding levels in some states. Overall, ADC employees are assigned to projects based on the cooperative agreement with each State, the availability of funding, and requests for assistance.

ADC completed its final programmatic Environmental Impact Statement (EIS) at the end of March of this year and the document is now available to the public. We have sent copies of the EIS to everyone who commented on the draft EIS in 1990 and the 1993 supplement, Federal and State cooperators, industry associations, and environmental and

animal interest groups. The formal notice of availability will appear in the Federal Register soon, and the Record of Decision should be signed shortly thereafter.

The programmatic EIS examines 13 alternatives and provides detailed analysis of 5 of them. The analyses focus on the wildlife species affected, losses associated with wildlife damage, societal views or attitudes, and impacts on biological, economical, and physical aspects of the human environment. The current program alternative, which uses an integrated pest management (IPM) approach to address wildlife problems, is identified as the preferred alternative in the EIS.

In carrying out its day-to-day activities, ADC works closely with several Federal agencies, including the Fish and Wildlife Service, the Bureau of Land Management, the Forest Service, the Federal Aviation Administration, and the Department of Defense. To formalize the relationships and the interagency coordination required to carry out its mission, ADC has entered into memoranda of understanding with each of these agencies. In June 1993, ADC and the Forest Service renegotiated their agreement, which gives ADC lead responsibility for compliance with the National Environmental Policy Act (NEPA) for predator management activities on Federal lands that are managed by the Forest

Service. A similar MOU is being negotiated now with the Bureau of Land Management, and we expect that document to be completed by October. Also, ADC has MOUs with 48 State wildlife management agencies, numerous State departments of agriculture, State departments of health, and universities.

The ADC program is guided by a number of Federal and State authorities. The law that gives ADC its primary statutory authority is the Animal Damage Control Act of 1931, as amended. This Act authorizes the Secretary of Agriculture to cooperate with States, local jurisdictions, individuals, public and private agencies, organizations, and institutions to control wildlife causing damage to agriculture, furbearing animals and birds. It also provides for the control of nuisance mammals and birds, except urban rodent control, and those wildlife species that carry zoonotic diseases such as rabies.

As I mentioned before, ADC also must comply with NEPA regulations. If another Federal or State agency declares an emergency, then ADC may follow an alternative course of compliance with NEPA. A BLM memorandum last year stated that predator control activities on BLM lands would cease until all BLM lands were in compliance with NEPA. Predator control can still occur in some BLM districts if

certain emergency criteria are met, but those criteria are set by BLM.

In addition to NEPA, other laws regulating the ADC program are the Federal Insecticide, Fungicide, and Rodenticide Act, the Endangered Species Act, the Migratory Bird Treaty Act, the Bald Eagle Protection Act, the Fish and Wildlife Act of 1956, the Federal Aviation Act of 1958, and the Federal Food, Drug, and Cosmetic Act.

ADC activities involving Federally protected wildlife species are regulated by the Fish and Wildlife Service and the taking of these species requires specific authorization. Activities involving resident wildlife protected by State laws are regulated by the respective State agencies and require appropriate authorizations also. Other local laws and regulations often place further restrictions on ADC activities.

In conducting its activities, ADC uses an IPM approach to prevent or minimize wildlife conflicts with humans and agriculture. IPM involves the integration and application of all practical methods of prevention and control to reduce wildlife damage, and includes both lethal and nonlethal methods.

When practical, ADC professionals use or recommend a

variety of nonlethal techniques such as exclusion devices, guarding dogs, repellents, noise-making devices, improved husbandry practices, and foothold traps. When other means of control are explored and found to be impractical, lethal control methods are used. These include traps, snares, aerial hunting, EPA-registered chemicals, and shooting.

Before selecting a control method, ADC officials consider the specific biological, social, economic, physical, and environmental impacts associated with each wildlife damage situation. Also, all actions ADC takes are in response to the roughly 225,000 requests for assistance the program receives each year. A little less than half of these requests come from agricultural producers.

At this point, I'd like to mention a very important component of the ADC program, and that is our laboratory, the Denver Wildlife Research Center. ADC operates a comprehensive research effort dedicated to exploring alternative methods for controlling wildlife damage. For example, one study is looking at new ways of controlling blackbird predation on blueberry crops by changing the sugar makeup of the fruit to make it unpalatable for the bird. Another study is exploring the use of electronic sensors in traps to let trappers know immediately when traps have been sprung. Another avenue our scientists are following involves the use of

immunocontraceptives in wildlife to help manage burgeoning deer populations. Research projects such as these recently led to the development of the electronic guard—a siren and strobe frightening device—that scares coyotes away from sheep herds.

In 1990, the National Agricultural Statistics Service (NASS) surveyed sheep producers across the United States to determine the extent of wildlife predation on sheep. The results indicated that predators caused about a \$21.7 million loss to the sheep industry that year. Of all animal predators, coyotes were the largest cause of sheep and lamb losses, accounting for 62 percent or \$13.5 million in losses. Coyotes also were the largest predator of goats that year, accounting for a \$5.6 million loss to that industry.

While these figures estimate the cost of sheep and goat predation in 1990, NASS has not conducted a similar survey since then. We assume that similar levels of predation continue to occur each year. ADC plans to contract with NASS to re-survey sheep and goat producers in 1995. Also, NASS used a similar survey method in 1992 to estimate the extent of wildlife predation to the cattle industry. Survey results indicated that predators cause about a \$41.5 million annual loss to that industry, with coyotes responsible for about 59 percent or \$24.3 million of the total loss.

With that, I conclude my prepared remarks. I thank you for the opportunity to speak before this Subcommittee on such an important topic to all of us. I hope that I have addressed to your satisfaction all the points of interest you raised in your letter of invitation. If not, I will be happy to work with the Committee to provide more detailed information about our program. Also, I am available to answer any questions you may have now.

Mr. CONDIT. Mr. Murkin, we'll take your statement and then we will get into some questions.

STATEMENT OF JIM MURKIN, DEPUTY STATE DIRECTOR FOR LANDS AND RENEWABLE RESOURCES, BUREAU OF LAND MANAGEMENT, WYOMING STATE OFFICE

Mr. MURKIN. Mr. Chairman, thank you. I appreciate the opportunity to appear here today to discuss issues relating to management of the Animal Damage Control Program on Federal lands that are under the jurisdiction of the Department of Interior.

Most of the ADC activities on Department of Interior lands are carried out on public lands managed by the Bureau of Land Management. I will limit my remarks to those lands, in particular.

The Department of Interior, the BLM and the Department of Agriculture, Animal and Plant Health Inspection Services recognize that the health and well being of fish and wildlife and their habitat are important to the Nation for a number of reasons, including social, scientific, aesthetic and economics.

We also recognize the role that a sound and well administered Animal Damage Control Program can play in certain areas in the west. Partnerships with other agencies, organizations, and individuals are absolutely essential because of funding constraints, the wide-ranging nature of many fish and wildlife species, and the need to manage species and their habitats on a coordinated basis throughout the ecosystems in which they occur.

The BLM's approach to the management of animal damage control on public lands is based upon longstanding divisions of responsibilities between the APHIS, ADC, BLM, and the State governments. The basic responsibility and authority of the States to manage most fish and resident wildlife is established in court decisions, laws, and regulations.

The Animal Damage Control Act of 1931 established APHIS as the Federal agency responsible for predator control on livestock by wild animals. The Federal Land Policy and Management Act of 1976, which is known as FLPMA, authorized BLM to manage the public lands for multiple use and also recognizes this basic division of responsibility between the States and the Federal Government.

The Animal Damage Control Act of 1931 gives APHIS broad authority to control pests and provide damage control assistance for agriculture resources, man-made structures and facilities, selected wildlife species, and threats to public health and safety on all lands, including public lands and National Forest system lands throughout the United States.

The term "animal damage control," as used by the BLM, generally refers to control of predators, such as coyotes, which prey on livestock, and for the control of pests, such as some species of rodent which can cause resource damage to native rangeland vegetation and adjacent private lands.

A key element of BLM's ADC policy has been that predator control on BLM's lands must be directed toward individual or local populations of predators causing the damage. Responsibility for ADC was transferred to the APHIS from the Fish and Wildlife Service in 1986 by Congress. NEPA compliance responsibilities remain with the BLM.

Since then, ADC activities have been conducted by APHIS under an environmental impact statement, or an EIS, prepared by the Fish and Wildlife Service in 1979. When ADC activities were switched to APHIS, environmental assessments on BLM district level programs were tiered or based upon the existing EIS until APHIS completes a new EIS.

This was the same practice that was followed when ADC was under the purview of the Fish and Wildlife Service. In 1990, APHIS completed and released for comment a draft EIS and a supplement to that draft was issued in 1993. The final, I understand, was released earlier this month.

However, until the new EIS takes effect, all of the BLM district level environmental assessments must be tiered to the original 1979 EIS. Analysis must be more detailed and comprehensive to compensate for the outdated information that exists in the 1979 EIS.

In 1992, BLM started getting a number of appeals on some of APHIS' ADC plans and the BLM's environmental assessments. Upon reviewing many of these documents, the BLM became concerned that most were not up to our current NEPA standards and directed our field offices to cease planning ADC activities until they had up-to-date EAs.

In the interim, BLM district managers could authorize emergency ADC activities in accordance with provisions outlined in the BLM manual supplements. These procedures specified that APHIS must verify the livestock losses that occurred and that emergency control was warranted. The APHIS then requested authorization from the BLM to conduct the predator control. If the BLM authorizing officer concurred, an individual environmental assessment for that control was completed in accordance with procedures outlined in the NEPA handbook.

Since April 1993, over 98 percent of the requests from APHIS for emergency controls were approved. A decision usually occurs within 24 hours. The primary differences between emergency control and full planned control are the lack of authorization of preventive control and the requirement for proof of kill by predation.

Because of the increased level of public controversy, the BLM has experienced a corresponding increase in workloads associated with updating our EAs. The revision process also includes issuing public notices, holding public meetings, and processing a large number of public comments.

The operating procedures between the BLM and APHIS have generally worked well in most locations. A synopsis of the current operating procedures on BLM is like this. APHIS collects, consolidates and verifies the livestock damage problems and control requests from producers and summarizes this information for each BLM district in which they have ADC activities. Any request directed to BLM is automatically referred to the APHIS as the responsible agency.

Each year, APHIS either proposes new plans or a continuation of an existing plan for affected BLM districts and undertakes consultation and other measures required by the Endangered Species Act. BLM reviews the plans and the existing National Environmental Policy Act documents to determine their adequacy.

If a determination is made that the proposed plan is substantially changed from previous years, then BLM prepares a new EA in cooperation with APHIS. Once the EA has been issued for public review and all comments analyzed, BLM issues a decision record and a finding of no significant impact, if appropriate.

In recognition of the need to improve the administration of ADC activities and the delivery of ADC services to users of the public land, the BLM and the Department of Interior have undertaken several significant steps. They propose revision of the Department of Interior administrative appeals procedure to allow appealed decisions to be put into full force and effect pending the resolution of the appeal.

Secretary Babbitt has directed the Interior Board of Land Appeals to allow ADC plans to be put into full force and effect based on the newly updated district environmental assessments. This was done to provide some livestock operators relief from excessive losses to predation.

This is the case in Wyoming where the ADC work is occurring in accordance with plans and current EAs. The BLM cooperation with APHIS is taking action to reshape its role and involvement in ADC activities. NEPA compliance responsibilities are proposed to be transferred to APHIS. This new role and cooperative relationship with APHIS will be spelled out in a draft memorandum of understanding to be published soon in the Federal Register for public review.

This MOU will clarify the respective Federal roles and responsibilities for conduct of ADC activities on public land. Among other things, APHIS would prepare the required NEPA documentation and coordinate with State wildlife and agricultural agencies.

This concludes my prepared remarks and I would be glad to respond to any questions you have.

[The prepared statement of Mr. Murkin follows:]

APRIL 22, 1994

STATEMENT OF JIM MURKIN, DEPUTY STATE DIRECTOR FOR LANDS AND RENEWABLE RESOURCES, WYOMING STATE OFFICE, BUREAU OF LAND MANAGEMENT, BEFORE THE SUBCOMMITTEE ON INFORMATION, JUSTICE, TRANSPORTATION, AND AGRICULTURE, COMMITTEE ON GOVERNMENT OPERATIONS, UNITED STATES HOUSE OF REPRESENTATIVES, AT THE FIELD HEARING ON THE DEPARTMENT OF THE INTERIOR'S MANAGEMENT OF THE ANIMAL DAMAGE CONTROL PROGRAM.

I appreciate the opportunity to appear here today to discuss issues relating to management of the animal damage control (ADC) program on Federal land under the jurisdiction of the Department of the Interior (DOI). Most of the ADC activities on DOI lands are carried out on public lands managed by the Bureau of Land Management (BLM). My remarks will be limited to those lands.

The DOI, the BLM, and the Department of Agriculture, Animal Plant Health and Inspection Service (APHIS) recognize that the health and well being of fish and wildlife and their habitats are important to the nation for many reasons, including social, scientific, aesthetic, and economic. We also recognize the role that a sound and well-administered animal damage control program can play in areas of the West. Partnerships with other agencies, organizations, and individuals are absolutely essential because of funding constraints, the wide ranging nature of many fish and wildlife species, and the need to manage species and their habitats on a coordinated basis throughout the ecosystems in which they occur.

The BLM's approach to the management of animal damage control on public lands is based upon long standing division of

responsibility between the APHIS-ADC, BLM and state governments. The basic responsibility and authority of the states to manage most fish and resident wildlife is established in court decisions, law and regulations. The Animal Damage Control Act of 1931 establishes APHIS as the Federal agency responsible to control predation on livestock by wild animals. The Federal Land Policy and Management Act of 1976 (FLPMA) authorizes BLM to manage the public land for multiple use and also recognizes this basic division of responsibility between the States and the Federal government.

The Animal Damage Control Act of 1931 gives APHIS broad authority to control pests and provide damage control assistance for agricultural resources, manmade structures and facilities, selected wildlife species, and threats to public health and safety on all lands including public lands and National Forest System lands throughout the United States. The term animal damage control (ADC) as used in the BLM generally refers to control of predators such as coyotes which prey on livestock, and to the control of pests such as some species of rodents which can cause resource damage to native rangeland vegetation and adjacent private lands. A key element of BLM's ADC policy has been that predator control on BLM lands must be directed towards individual or local populations of predators causing the damage.

Responsibilities for ADC were transferred to the APHIS from the

Fish and Wildlife Service in 1986 by Congress. NEPA compliance responsibilities remained with BLM. Since then, ADC activities have been conducted by APHIS under an Environmental Impact Statement (EIS) prepared by the FWS in 1979. When ADC activities were switched to APHIS, Environmental Assessments (EAs) on BLM district level programs were tiered to (or based upon) the existing EIS until APHIS completed a new EIS. This was the same practice that was followed when ADC was under the purview of FWS. In 1990, the APHIS completed and released for comment a Draft EIS. A supplement to that draft was issued in January 1993, and the final was released earlier this month. Until the new EIS takes effect, all BLM District level EAs must be tiered to the 1979 EIS. Analysis must be more detailed and comprehensive to compensate for the outdated information in the 1979 EIS.

In 1992 BLM started getting a number of appeals on some of APHIS' ADC Plans and BLM's environmental assessments. Upon reviewing many of these documents, the BLM became concerned that most were not up to our current NEPA standards and directed our field offices to cease planned ADC activities until they had up-to-date EAs. In the interim, BLM District Managers could authorize emergency ADC in accordance with provisions outlined in BLM Manual Supplement 6830. These procedures specify that APHIS must verify that livestock losses have occurred and that emergency control is warranted. The APHIS then requests authorization from the BLM to conduct predator control. If the BLM authorized

officer concurs with APHIS, an individual environmental assessment for the control is completed in accordance with procedures outlined in BLM NEPA Handbook 1790-1. Since April of 1993, over 98 percent of the requests from APHIS for emergency control have been approved. A decision usually occurs within 24 hours. The primary differences between emergency control and full planned control are the lack of authorization of preventive control and the requirement for proof of kill by predation.

Because of the increasing level of public controversy, the BLM is experiencing a corresponding increase in workload associated with updating our EAs. The revision process also includes issuing public notices, holding public meetings and processing large numbers of public comments.

The operating procedures between the BLM and the APHIS have generally worked well in most locations. A synopsis of the current operating procedures on BLM lands is as follows:

- APHIS collects, consolidates and verifies livestock damage problems and control requests from producers and summarizes this information for each BLM district in which there have been ADC activities historically. (Any requests directed to BLM are referred to APHIS as the responsible agency. BLM does not maintain a record of these referred requests).

- Each year APHIS either proposes new plans or continuation of existing plans for affected BLM districts and undertakes consultation and other measures required by the Endangered Species Act.
- BLM reviews the APHIS plan and existing National Environmental Policy Act (NEPA) documents to determine their adequacy. If a determination is made that the proposed plan is substantially changed from previous years, then BLM prepares a new EA in cooperation with APHIS. Once the EA has been issued for public review and all comments analyzed, BLM issues a Decision Record and Finding of No Significant Impact, if appropriate.

In recognition of the need to improve the administration of ADC activities and the delivery of ADC services to users of the public lands, the BLM and the DOI have taken several significant steps which are outlined below:

- Revision of the DOI Administrative Appeals procedures to allow appealed decisions to be put into full force and effect pending resolution of the appeal.
- Secretary Babbitt has directed the Interior Board of Land Appeals to allow ADC plans to be put into full force and effect based on newly updated District EAs.

This was done to provide some livestock operators relief from excessive loss to predators. This is the case in Wyoming where ADC work is occurring in accordance with plans and current EAs.

- The BLM, in cooperation with APHIS, is taking action to reshape its role and involvement in ADC. NEPA compliance responsibilities would be transferred to APHIS. This new role and cooperative relationship with APHIS will be spelled out in a draft Memorandum of Understanding (MOU) to be published soon in the Federal Register for public review.

This MOU will clarify the respective federal roles and responsibilities for conduct of ADC on public lands. Among other things, APHIS would prepare required NEPA documents and coordinate with State wildlife and agriculture agencies.

This concludes my prepared remarks. I will be happy to respond to your questions.

Mr. CONDIT. Thank you, Mr. Murkin. I have a couple questions for all of you to respond to. Since the transfer of ADC in 1986, have control activities increased, decreased, or stayed about the same? Also, I would like to know if you think the system is now more efficient.

Mr. NICHOLLS. I'll respond to that first, Mr. Chairman. Since the transfer, the Department of Agriculture has made a lot of improvements in the program. We have entered into a futuring process to position ADC for the future. We've also entered into a strategic planning process. We've invited all stakeholders in the ADC program to be part of that process, livestock producers, as well as environmental groups, to help participate in that process.

We're in the process of implementing many of these recommendations now. One of the things that has made it very difficult for the program over the last 4 or 5 years is compliance with the National Environmental Policy Act. As the testimony so far has indicated, both the Forest Service and BLM at the time of the transfer were responsible for NEPA documents.

Through the administrative appeals process of these two agencies, ADC on public lands, particularly in the last 2 years, has become less and less effective on public lands. Many of the NEPA documents that have been prepared jointly with the BLM and the Forest Service have been appealed through those agencies' administrative process and have been delayed or tied up in court making ADC operations ineffective or nonexistent on public lands.

Some of the control techniques and tools that we have been utilizing have been challenged and had restrictions placed on them. ADC's Western Region just completed a program evaluation. This report definitely shows that ADC's effectiveness has decreased over the last 2 or 3 years in resolving wildlife damage problems on public lands. The decrease is because of the administrative appeals progress, under NEPA, that Forest Service and BLM have implemented. ADC needs to be the lead agency for NEPA compliance on public lands.

Mr. CONDIT. Mr. Curnow.

Mr. CURNOW. Yes. Thank you, Mr. Chairman. It's a pleasure to be here and speak to your question.

Mr. CONDIT. Excuse me just a minute. I know everyone is having a hard time hearing and I apologize to you in the audience. We don't have a microphone. Those of you who are having a hard time, if you want to move up, we'll stop for just a moment and let you move up. It's the only answer that I know. It's hard for them to speak as loud as they can for a little speech. So if you want to come up, come on up and don't be fearful. This is not church. We're not going to do anything strange. We won't pass the plate or anything like that. So you can move up.

Mr. CURNOW. I'll try to speak up, Mr. Chairman.

Mr. CONDIT. If you can, I'd appreciate it.

Mr. CURNOW. I'll speak on the research side of the animal damage control program. Since the transfer of the program into USDA in 1986, the research capability has increased greatly under the USDA leadership. Evidence of that began right away after the transfer. APHIS did several assessments of the research capability within the program.

Those assessments included the facilities we had to work with, the personnel and the expertise available within the program, and the financial resources to conduct very targeted problem-oriented research. I am proud to say that since 1986 until this year, the financial resources have increased sizably from about \$4.1 million in the research budget in 1986 to the current level of \$8.5 million, approximately.

Several other examples of the strengthening of the research capability under USDA/APHIS is the fact that inadequate laboratory facilities in Denver were upgraded by the agency, meaning that the chemistry laboratories were modernized and new equipment was provided to support the chemical registration data requirements that EPA mandates under the registration and reregistration aspects of FIFRA.

Also, APHIS undertook a master planning effort for facilities of the Denver Wildlife Research Center in 1990 and compiled a master plan for new facilities for the research center to be relocated to the university campus, which is far from its current location in Denver at the Denver Federal Center.

That master plan has been followed and I'm pleased to say also that Congress has appropriated construction money to begin construction of new facilities in Ft. Collins, CO, and the first building was begun in September 1993 and it's currently under construction.

This is an animal research laboratory that will be used to develop the alternative methods that Mr. Nicholls referred to as the principal focus of the current research program of the Denver Research Center.

Those are the specific examples, I think, that are tangible and that we can all be proud of in terms of the strengthening of the research and methods development capability within the program. Anything I can add to that, I will be glad to. Thank you.

Mr. CONDIT. Mr. Rightmire.

Mr. RIGHTMIRE. Thank you, Mr. Chairman. At the field level, our workload is of a reactive nature. The transfer apparently wasn't noticed by the coyotes themselves. They didn't change greatly. So our workload was predicated on the coyotes and the livestock damage.

Our funding has gradually increased. Well, it increased both through our tenure with Fish and Wildlife and since the transfer. I think probably the agency transfer, USDA has been probably more supportive of animal damage activities, integrating it into APHIS activities, than perhaps Fish and Wildlife Service did previous to that.

But as far as the field activities themselves, they've stayed the same depending on the coyote problems.

Mr. CONDIT. Mr. Murkin.

Mr. MURKIN. The major thing we see right now with BLM is the same staffs are doing all of our NEPA compliance work, whether it be for land use planning, coal leasing or permitting a coal mine, oil and gas development, rights-of-ways for pipelines or power lines. Anything that requires that type of activity, the same staffs are doing it.

One of the problems we've had is that within the increased interest in the ADC activity and I think probably some increased activity, as well, we are feeling the crunch, if you will, to try and keep up. It just has become more of a burden on our program and our field people to stay ahead of the game, which is one of the reasons that we have the lawsuit filed.

Mr. CONDIT. Mr. Murkin, it appeared yesterday in the Casper Star that Secretary Babbitt denied an appeal that prevented predator control in the Worlin district. This will allow the resumption of control measures there. Could you explain how this process works, how many people worked on the appeal and how long it took?

Mr. MURKIN. The NEPA process and the appeal process is fairly lengthy. We have to do complete documentation on any type of plan. In this case, an ADC proposal by APHIS usually takes anywhere from 60 to 90 days if there are no interruptions.

Once the documentation is completed, during that time period we'll have a public comment period or a scoping meeting, if you will, to get some input and feedback from the public. Final documentation is then also reviewed, in most cases by the public, again. We get their comments and then a decision is made.

Once the decision is made, there's an automatic period of 45 days in which the public can appeal the decision. During that process, historically, we've had not only an appeal, but a request for stay of action which would delay implementation of the decision even longer. Usually, by the time we work our way through the paperwork and the court actions, we're looking at anywhere from 60 to 90 days to complete those activities, as well.

Mr. CONDIT. Do you remember the amount of time for the——

Mr. MURKIN. The amount of time for this particular district, Casper——

Mr. CONDIT. The Worlin district.

Mr. MURKIN. Worlin had—it took them about 6 months to prepare the documentation. We had a 45-day appeal time period. At the end of that 45 days, there was a request for stay. That delayed things another 30 days while the hearings judges reviewed that.

Then during that time period, the Secretary of Interior came in and put the document in full force and effect. So we lost—lost may not be a good term. It took a total of 6, 7, almost 9 months from start to finish on that particular document.

Mr. CONDIT. We were talking and reviewing the major laws that apply to ADC. We stopped counting at eight. Is there an inter-agency group to deal with compliance that includes everybody, EPA, Interior, Agriculture, et cetera?

Mr. NICHOLLS. Not at this time. Forest Service, BLM and ADC, work closely together in this NEPA process in setting it up and scoping it. The only interplay comes on these work groups.

Mr. CONDIT. Anyone else with a comment to that? I guess that pretty much sums it up. I'll turn to Mr. Thomas and let him follow up.

Mr. THOMAS. Thank you. You talked a lot about the process. Do you agree with the idea that there's increased predator losses in Wyoming?

Mr. NICHOLLS. On public lands, I definitely do, very much so. As I indicated a little earlier, most of it ties, I feel, into the NEPA

process and the administrative appeals process that BLM and Forest Service currently have in place. Currently, any proposed action identified in the NEPA process can be stopped with a 29-cent post card and a statement identifying reasons why the proposed action is not acceptable by the general public. No documentation is needed under BLM's administrative process. ADC's program is often stopped by this process at the most critical time.

Mr. THOMAS. You don't allow for administrative appeals in the ADC, do you?

Mr. NICHOLLS. In ADC, we're in the process—no. We're in the process of developing our agency NEPA guidelines. We're setting it up a little different than the Forest Service and the BLM. Under NEPA guidelines, any document can be appealed. We will take appeals into consideration. But our administrative appeal process is going to be totally different.

Mr. THOMAS. So your analysis is that if there is, indeed, an increase in predators, which would indicate the program is less effective, it's because of the restrictions.

Mr. NICHOLLS. Yes. That's the summation of the program evaluation report that we just completed several months ago.

Mr. THOMAS. Mr. Murkin, you talked about the EIS that's to be completed or is out now. How long has that been in the works?

Mr. MURKIN. I think they published a draft in 1989. That's when they had the draft EIS out. Excuse me. That's not right. It was started, I think, I believe, in 1989. Then they had a draft out in 1991.

Mr. THOMAS. It's been about 6 years, hasn't it?

Mr. MURKIN. Yes.

Mr. THOMAS. How can you justify 6 years for an EIS document?

Mr. MURKIN. That's not our document. But it's the kind of problem that we get into in terms of just the complexity of trying to pull all the hoops together.

Mr. THOMAS. That's amazing.

Mr. NICHOLLS. Mr. Thomas, excuse me. I think you're talking about our document. That document was initiated approximately 5 years ago. When it went out for the first public review, it was found lacking. It's been out for public review two different times.

It's been a very lengthy process. We have absolutely no excuse. However, that document should not—it was programmatic. It was not site-specific and it did not limit or stop local, site-specific NEPA documentation from taking place.

Mr. THOMAS. What is the measurement—there's a lot of talk about reinventing government and all these sort of performance reviews. What is the measure of success?

Mr. NICHOLLS. In terms of the ADC's mission?

Mr. THOMAS. Yes, sir. You say in your statement that your mission is to provide leadership and managing problems caused by wildlife.

Mr. NICHOLLS. Right.

Mr. THOMAS. So what would you say would be your measure of success?

Mr. NICHOLLS. We're not a land managing agency and the only thing that we can provide is a service. If that service is satisfac-

torily accepted by the client, by all stakeholders, then we achieve success.

Mr. THOMAS. I see. There's some sort of a quantitative measure to it, isn't there? It seems like losses, for example, if they're pretty well oriented toward predators, wouldn't that be some measure of success or lack of it?

Mr. NICHOLLS. Losses vary from year to year. It's difficult—

Mr. THOMAS. The losses have gone up steadily since 1989.

Mr. NICHOLLS. Yes. I understand that. But in certain locations and times and places, local areas, they vary from 1 year to the next, but overall they have increased. We feel that if we can hold losses to about 4 percent or 5 percent, we've been somewhat successful.

Mr. THOMAS. Nine percent is not a success ratio.

Mr. NICHOLLS. Not in my opinion, no.

Mr. THOMAS. And that's what we have here.

Mr. NICHOLLS. Yes.

Mr. THOMAS. The funding is sort of traditional, I guess, from where it started, apparently from line items. I don't remember exactly the number, but I think Nevada gets around \$8, if you use sheep as the criteria, and Wyoming gets \$1.60. Why is that the ratio?

Mr. NICHOLLS. We do not allocate our Federal dollars based on sheep numbers. Right now, the major clientele we have in the western region is the livestock industry. But there are other facets of the program that we provide service to; aquaculture, sunflower growers, these types of things.

Our process for funding allocations is currently under review by the region. Some dissatisfaction exists with our current process. However, we do not allocate funds based on sheep numbers. But it becomes extremely difficult pulling Federal dollars out of one State and putting it in others.

Mr. THOMAS. Sure. I understand that. But it is true, isn't it, that it started out with an allocation, more of a political allocation, and that still is the basis for it.

Mr. NICHOLLS. I don't know. I honestly don't know.

Mr. THOMAS. Mr. Rightmire, you talked about resources. Under the proposal, in 1995, there would be a reduction in overall funding, a reduction in Wyoming, of about \$125,000 or something?

Mr. RIGHTMIRE. That's correct.

Mr. THOMAS. What impact do you expect that to have on your activities?

Mr. RIGHTMIRE. Our planning exercise that you do for next year's budget, we earmark a reduction in supplies, the removal of three to four field men and one supervisory position.

Mr. THOMAS. What is the impact that you would expect? I don't mean the cheap—the cheapest lands are the most visible. What impact will that have?

Mr. RIGHTMIRE. Overall, within the State, what we'll have to do is those areas without—that lose a trapper will make their remaining trapping or control areas larger. Probably, on a statewide basis, we're looking at all—everything else being the same, probably an increase of 8 percent in land loss.

Mr. THOMAS. Eight percent over where we are now.

Mr. RIGHTMIRE. Yes.

Mr. THOMAS. Is there a transfer of compliance responsibility from BLM to ADC underway, going through the process of getting compliance?

Mr. MURKIN. Not necessarily. What we're trying to do is get the NEPA process transferred.

Mr. THOMAS. That's what I'm talking about.

Mr. MURKIN. I'm sorry. I misunderstood you. To get the NEPA process transferred to APHIS.

Mr. THOMAS. Why are you doing that?

Mr. MURKIN. The major thing that—we have no regulatory authority whatsoever over the coyotes or the livestock loss type situation. So what we got pulled into is being kind of the in between person who has to do all the documentation. As I pointed out earlier, that's become extremely expensive for our agency to handle.

Mr. THOMAS. I'm kind of confused on it. Mr. Nicholls pointed out that the statutory responsibility for wildlife damage belongs to this agency, but they can't do it because of your agency.

Mr. MURKIN. That's true.

Mr. THOMAS. Now, how do we fix that? I just don't think we can go on forever saying this is the way it is and there's too much bureaucracy and there are too many things, but we never seem to solve it. What should we do?

Mr. MURKIN. I think the easiest thing to do is make us a consulting agency in terms of—because they do the NEPA documentation, it's based on their plans, they do the paperwork and simply ask if it interferes with the activities of our land use plans, where we pick up where we have a crucial deer range of something that we've identified in land use planning.

Mr. THOMAS. So you think that would be a significant improvement.

Mr. MURKIN. I think that's a significant improvement.

Mr. THOMAS. What do you do, Mr. Curnow? Do you use a cost-benefit ratio in terms of where your research dollars go? Again, if you're looking at the bottom line, I guess I'd say, gee, you've been doing a great job of research, but the problem is worse.

Mr. CURNOW. In allocating the resources that go into the research program and how they're divided up among the demands among the commodity groups, including the livestock producers, the small grain producers in the United States, there is a priority process that we use within the agency and that is expressed through the State directors offices, such as Mr. Rightmire's, as to what are their most pressing problems.

This is done nationwide throughout the States. That is compiled in a form that's graphically presented and that was done in 1992, by the way, and that shows where the most pressing problems are. And as that turned out in 1992, there were two major areas of emphasis—the livestock losses to predators and bird damage to agricultural production in the United States, primarily in the mid-continent and the eastern States for birds.

That's the guideline we use within the agency. Then there are a couple other influencing factors, the Congress, being one, and directives that—

Mr. THOMAS. You don't have much influence in it at all.

Mr. CURNOW. No, we don't. So that's one that comes to us. And then, of course, the USDA and APHIS leadership. So that's how the allocations are prioritized into our research areas.

Let me speak for just one more second. As far as the outcome of those expenditures, the research process is not one that happens overnight. None of us can claim that it is and I certainly won't. But it is an incremental process where we do maintain the current tools, we hope, while we are developing the additional, alternative, acceptable, effective techniques of the future.

Where the expenditures have gone in the recent years has been to maintain many of the currently registered chemicals that are used, such as compound 1080 in the livestock protection collar for that use.

Mr. THOMAS. Where do you use 1080?

Mr. CURNOW. It's used in the livestock protection collar that's placed under the jaw of animals to target on specific damaging coyotes.

Mr. THOMAS. I guess we ought to wind up so we can move on here. Mr. Chairman, I'm through and we have some more folks. Thank you.

Mr. CONDIT. Thank you very much. We may have some additional questions that we want to submit to you in writing. I hope you'll agree to respond to those. We appreciate your time. You've been very patient and we appreciate it very much. Thank you.

The second panel is Mr. Stuckenhoff, Mr. Nuckolls, Mr. Ellis, and Mr. Sersland. Remain standing and raise your right hand, please.

[Witnesses sworn.]

Mr. CONDIT. Let the record indicate that everybody responded "I do."

Mr. THOMAS. Mr. Chairman, Mr. Stuckenhoff represents the Wool Growers Association, which is a very active group here, and is a local rancher. Mr. Nuckolls, Jay Nuckolls, is also a rancher and is here today representing the national group, which is the American Sheep Industry. Mr. Ellis is a local rancher representing himself today, I guess. Dean Sersland has the local sporting goods store and certainly has close contact with sportsmen in this area.

I appreciate all of them showing up today.

Mr. CONDIT. Let's start with you, Mr. Stuckenhoff.

STATEMENT OF ED STUCKENHOFF, MEMBER, WYOMING WOOL GROWERS ASSOCIATION

Mr. STUCKENHOFF. Thank you, Mr. Chairman. As a member of the Wyoming Wool Growers Association, I am delivering testimony for the association, but I am also delivering testimony as a producer who was a producer until about 7 days ago when I sold my sheep.

The Wyoming Wool Growers Association is a State organization of approximately 1,200 members. Wyoming is the largest range sheep operation in the Nation and second in sheep numbers and wool collection, second only to Texas.

Of all the government agencies with which the Wyoming Wool Growers Association deals, it is ADC that has the most obvious key

to our industry's success. That's very simply stated that if you lose the product you sell, you go out of business.

For the benefit of your deliberations, I'd like to share with you the real concerns that we have today. If we don't have an ADC program, if we don't have predator control, and I think it's important that we mention control and not eradication, the sheep business will sooner or later cease to exist.

One of the problems that we have in this area is that roughly half of our State is Federal property. Many times it is intermingled with private and State lands. So that makes predator control very, very difficult. An example of that problem goes back to the emergency control program of 1993. It seems as if that was the only thing to do, but it really didn't do much at all.

The predator problem is still with us. It is growing. In this particular instance of a government program, what happened was you would have to—the person who was having the predation would have to call up, would have to call the ADC. The offending animal would have to be—first of all, you'd have to be able to substantiate the loss. Then that animal would have to be tracked or trailed maybe by the BLM after you've received permission, BLM permission, to go after it.

By that time, the animal is gone. Predators don't sit around and wait to get controlled. They do their damage and they leave.

I'm going to submit the rest of the testimony as written testimony and I just want to talk to you about some things that I think we as producers are concerned about. One of the problems is solutions. Our business is pretty simple. We produce a product. We sell a product. We stay on the land. We make money. We spend money in our local communities.

As our ability to not make a profit dwindles, decisions, business decisions, because we—I suppose the livestock industry is like any other industry in the fact that we are business driven. If we can't make a profit, we can't stay in business or we change businesses.

In my particular instance, this is what happened. First of all, I have spent the last 10 years of my life relative to my sheep business being very, very active in the development of a wool program that would cause me to have the best wool in Natrona County as I possibly could. It was a very, very intensive program.

As you well know, the wool incentive program was taken away from us. So, therefore, I had to say all right, now, maybe somewhere down the line I can look back on that fact and say, OK, that's all right. Maybe it's good not to have government involved in that particular part of my industry.

So I could do away with the idea of maybe wool incentive payments. So that leaves me really with one good thing to produce, and that's lambs. What happened to lambs was this. The predators in our area have increased drastically. What we did as a reaction to that was to hire more herders. We've always herded our sheep. But we hired more herders. We bought and used Okbosh guard dogs. We've used wire netting to enclose our sheep at night. We've given all of our herders rifles and ammunition. And it wasn't enough. The predation just absolutely was eating us alive.

So the one thing that I had left to sell was lambs and that input into the capital of our operation was dwindling. So you have to

make a business decision. You have to say "Hell, if I can't sell my product, if I don't have any product to sell, sooner or later I've got to get out of business."

I looked at the market report 2 days ago on lambs and some fat lambs were selling for 37 cents. The cost to gain on a lamb in a feed lot is more than 50 cents. Those people that are feeding those lambs in the feed lots are going to lose their shirts this year and they sure as heck are not going to come back to the producers and want to pay them 60 or 70 cents next year.

So we're taking whammies all over and it's tough. I'm not a quitter. Our ranch has been in the sheep business for over 100 years. We survived the winter of 1949, which was absolutely devastating. A neighbor of ours lost 6,000 sheep. I think we probably lost—of course, we didn't run as many sheep as he did, but we lost our share of sheep. That was an absolute disaster. We've gone through all kinds of disasters.

But what I see coming on now is a true disaster and it's going to affect the infrastructure in our industry and it's going to essentially drive many, many people out of business.

There are going to be many facts and figures thrown around today and I hope and assume that all of those facts and figures will be meaningful to you. And we're going to talk about a lot of problems. But I think that we would do ourselves a disservice if we didn't talk about solutions, and that's what I want to talk about.

I'm going to run through these really quickly because I know that there are other people that have things to say.

The first solution I would ask you to consider is that I think that one agency—and in our instance, I think it should be the ADC—should be responsible for management control of the predator program and should be responsible for the EAs and the EISs. That's solution No. 1.

No. 2, I think that that agency should be proactive instead of reactive, recognizing the fact that predators don't know the difference between private land and public land. What I mean by this is when a producer gets ready to go into an area to lamb, he should have the ability to call up ADC and say I'm going into an area. I need you to go out there. I think that I have a predator problem in that area. Go out there, make an assessment, see if, indeed, I am going to have a problem, and then start predator control then, not reactor. Don't make me lose sheep, prove that I'm going to lose sheep before we do anything. That's not the way business is done in the United States.

The third solution is that I think that we should streamline the ADC program so its response time to problems is drastically reduced. In the livestock business, we talk in hours, not days and not weeks. If your band of sheep is being hit by predators, you don't have 3 days to sit around and think about it. You've got to get going.

The fourth solution that I would suggest is that we continue funding research and that we increase funding if the mission of ADC is not being achieved. But here, again, if we're going to continue funding research, I think that Congressman Thomas' question as to what's happening and are we achieving results, has got to be met. And if we aren't, if there is no research that is providing

us with any relief, then we ought to be out of the research business.

I would hope that that wouldn't happen. I would hope that we can find alternative methods that are more satisfactory.

The fifth solution that I would suggest is that we allocate funds in the ADC program for predator control on the basis of sheep numbers.

I thank you very much for allowing me to come forward today and make this presentation. Thank you.

[The prepared statement of Mr. Stuckenhoff follows:]

TESTIMONY

WYOMING WOOL GROWERS ASSOCIATION

to the

HOUSE SUBCOMMITTEE

on

INFORMATION, JUSTICE,
TRANSPORTATION AND AGRICULTURE

April 22, 1994

regarding

The Animal Damage Control Program

Statement of the Wyoming Wool Growers Association

before

THE HOUSE SUBCOMMITTEE on INFORMATION, JUSTICE,
TRANSPORTATION and AGRICULTURE

April 22, 1994

Mr. Chairman, I am ED STUCKENHOFF, a member of the Wyoming Wool Grower Association, delivering this testimony for the Association.

The Wyoming Wool Growers Association is a statewide organization with a membership of 1200 producers. Wyoming is the largest range sheep state in the nation, and is second in sheep numbers and wool production. Only Texas has more sheep than Wyoming. Wyoming is representative of the health of the sheep industry in this country today.

We sincerely appreciate this opportunity to provide testimony regarding the Committee's desire to examine the U.S. Department of Agriculture's management of the Animal Damage Control (ADC) program. Of all government agencies with which the WWGA does business, ADC has the most obvious key to the industry's success.

For the benefit of your deliberations let us share with you the very real concerns that compel us to come before you today.

RELATIONSHIP OF ADC TO OTHER AGENCIES

The ADC program has always been, and continues to be, the life-blood of the sheep industry. Without this program, sheepmen cannot stay in business, especially in the West where the states are comprised of vast acreages of federal land. Nearly one half of the state of Wyoming is owned by the federal government, with an intermingled land pattern of private, state and federal lands which makes predator control an onerous activity. This problem of intermingled ownership was brought into focus during the Bureau of Land Management's (BLM) "emergency control" program of 1993. For example, if ADC was called onto private property to provide damage control and the offending animal traveled onto federal land bordering the private property, ADC could not follow

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the animal and take it. ADC had to call BLM and request permission to take the animal on BLM land. Such a request could take days, and of course, the animal would have disappeared by the time the request was granted. Additionally, ADC was not allowed to go beyond a three-mile radius from the kill, and were also hampered by the five day limit. Coyotes range many more miles from their den than the three allowed by BLM, therefore many coyotes that were depredating on sheep were allowed to continue killing because ADC could not follow and take them.

WWGA has grave reservations about the ability of ADC to continue to provide services on federal lands. Our concerns are amplified by the continuous appeals filed by preservationist groups with the small outlay of a 29 cent stamp. It is apparent that ADC must be given management control of animal damage control on all federal lands if the program is to remain viable.

Under the Act of 1931, ADC was given the mandate of permanently controlling predators for the protection of agricultural and horticultural interests and to stop the spread of various diseases through such animals. ADC has a mandate under the law to perform predator control, and yet other federal agencies apparently have the ability to stop ADC from carrying out its legislative mandate. Although the agency is not relieved from its mandate, it works without adequate funding or manpower. In the face of a crisis such as the "emergency control" program of 1993 established by BLM, ADC is overwhelmed.

Each federal government agency must comply with NEPA, which to date has meant that the agency that controls the land writes the Environmental Assessments (EAs) or Environmental Impact Statements (EIS) regarding predator control on federal lands. It seems self evident that the agency actively conducting predator control should be the one that writes the EA or EIS. ADC is most familiar with the program, thus it seems it is the agency most capable of complying with NEPA. This could be accomplished by BLM amending the Memorandum of Understanding it has with ADC.

With BLM in charge of the NEPA process we strongly suspect that ongoing preventive work will be cut off at a moments notice based on the problems the livestock industry faced in 1993 with emergency control on BLM lands and the subsequent appeal filed by the Humane Society of the United States. The livestock industry was then faced

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with filing a costly lawsuit to protect their livelihoods and their way of life.

It has been six months since Judge Johnson heard the case and the industry is hanging in the balance without a judicial decision. In October 1993, we asked for injunctive relief so that we could control predators before ewes began lambing in the spring of 1994. Coyotes continue to eat lambs as they are born, and last winter ranchers took a terrible toll of adult sheep. As you may or may not know losses of livestock to predators continues to escalate, with 1993 losses up 13 per cent from 1992 losses. 1992 losses surpassed those of 1991 by 21 percent. Wyoming lost \$4.2 million from sheep and lamb deaths due to predators last year. This was up 27 percent from \$3.3 million in 1992. Coyotes alone cost producers \$3.1 million, with the number of head lost to predators increasing 2 percent in 1993 for a total of 10,500 head. These unprecedented losses were realized even though ADC was working with ranchers on a weekly basis. Without predator control, there would be no sheep industry in Wyoming or many places in the West. Loss from predators is a direct economic burden on sheep producers and when a federal agency curtails ADC's work, predator losses escalate quickly.

We simply must have recognition of this devastating problem and relief from its death grip on the sheep industry. Additionally, the role ADC plays in this complex and difficult problem is of utmost importance.

FUNDING FOR PREDATOR CONTROL

The current ADC program is jointly funded by USDA, the State of Wyoming, some Counties and the livestock industry. The program is a partnership with private industry, state and local government.

Total economic impact of predation on livestock producers is comprised of direct (losses) and indirect costs. Direct costs are the loss of the market value of animals killed by predators. Indirect costs of predation are those due to additional costs of production, predator control, loss of time and monetary gains foregone. Indirect costs include a long list of activities that are private, out of pocket costs estimated at over \$2.50 a head.

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Cost effectiveness of a control program can only be assessed in the absence of no control. A study completed in the mid 70's on a Montana sheep ranch by the Denver Wildlife Research Center and the Montana Cooperative Wildlife Research Unit showed that there were extensive losses of sheep (8.4% ewes and 26.8% lambs) despite a verified kill of at least 37 coyotes on and around the ranch. In real life, this rancher probably would have retired from sheep ranching due to consistent losses from predators.

ADC is a necessary part of the range sheep industry, but red tape and lack of adequate funding does not allow the agency to function effectively. The cost of running government programs is rising more than twice as fast as the people they serve according to federal investigators who blame an overly complex and bloated bureaucracy. In the case of ADC sheep numbers have continued to fall, while APHIS-ADC costs have risen. Monies allocated by Congress to fund APHIS-ADC do not find their way to the West to fund on-the-ground predator control. We believe the system must be changed because administrative costs have continued to syphon off needed funds for one of the major reasons the program was established. . . . the control of predators.

There is yet another problem with funding within APHIS-ADC which an attached chart illustrates. The relationship between the number of stock sheep within the respective western states and the federal ADC funding allocated to each state shows that Wyoming is getting less money for protection on the federal lands than other states. Protection of sheep is only a portion of the activities that the ADC program is mandated to conduct but it is a sizeable part of the program in many western states.

As mentioned earlier, the state of Wyoming has the largest historical range sheep industry in the nation. This adherence to traditional transient herded range sheep operation is mandated by Wyoming's land ownership patterns, climate and topography rather than the lack of progressive thinking. Although this type of land use has proven to be an ecologically sound use of Western Wyoming rangeland and capable of maintaining sustainable agricultural operations, it has served to put Wyoming in a down position in relation to ADC funding levels. ADC must look at need and resource protection when they allocate funding to the states. There is nothing in rules, regulations or policy to say that use of an historical base for funding is valid.

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Predator control practices have changed over time. When 1080 was banned in the early 70's there was a great deal of concern over whether or not ranchers could protect their livestock. Their fears were somewhat alleviated through promises by the federal government of aerial hunting taking the place of 1080. Rising costs for aerial work added to more and more regulation has rendered the government's promise hollow. Over the years most of ADC's ability to control predators has been taken away without new methods being made available to take up the slack.

Ranchers have tried many non-lethal devices including ear tags, scare guns, strobe lights, noise makers, etc. in an attempt to protect their livestock when lethal methods have been removed. Coyotes are very adaptable animals and soon learn that these devices are not to be feared. The research budget for APHIS-ADC is apparently not adequate to seriously work on non-lethal methods of predator control, for the industry have not seen new methods for use in the field for many years. It is not acceptable that lethal methods be taken away until new, non-lethal methods have been established and are working successfully.

CONCLUSION

The sheep industry's future will be adversely affected without resolution of the issues which we have been brought before you today. There has been a steady decline in sheep numbers over the years since the early 70's when 1080 was taken off the market and other methods of predator control have not found their way into ADC's resources. Federal agency administrative costs continue to escalate year by year at a time when ranch owners have had to cut back their administrative costs just to stay in business. Because of the lack of dollars, ADC field programs have been scaled back in recent years, causing the program to be less effective.

The WWGA thanks the Committee and especially Representative Craig Thomas for this opportunity to let Congress know what is problematic in the predator control program.

FY 92 BUDGET ALLOCATION

THE AOC WESTERN REGION RECEIVED A TOTAL OF \$15,492,917.00 FEDERAL BUDGET, \$14,373,407.00 WAS DIRECTLY ALLOCATED TO FIELD ACTIVITIES IN THE RESPECTIVE STATES.

	FY 92 OPERATING ALLOCATION	FEDERAL \$ RANKING	% OF FIELD FUNDING	STOCK SHEEP NUMBERS	SHEEP # RANKING	% OF TOTAL SHEEP #	FUNDING BASED ON SHEEP #	AOC FUNDING COMPARED TO FORMULA BASED ON SHEEP #	ACTUAL FEDERAL \$ PER SHEEP
ARIZONA	\$452,826.00	13	3.3%	178,000	12	2.8%	\$389,618.00	\$63,208.00	\$2.54
CALIFORNIA	\$1,509,539.00	2	10.8%	646,000	2	10.2%	\$1,419,323.00	\$90,216.00	\$2.34
COLORADO	\$744,966.00	10	5.4%	388,000	8	6.1%	\$648,811.00	\$103,845.00	\$1.92
IDAHO	\$907,261.00	8	6.3%	229,000	11	3.6%	\$500,937.00	\$406,324.00	\$3.96
MONTANA	\$918,201.00	7	6.6%	507,000	4	8.0%	\$1,113,194.00	\$194,993.00	\$1.81
NEBRASKA/S DAKOTA	\$361,116.00	14	2.4%	116,000	14	1.8%	\$250,469.00	\$110,647.00	\$1.16 **
(CONT. S DAKOTA)	\$300,000.00	16	2.2%	455,000	5	7.2%	\$1,001,875.00	\$701,875.00	
NEVADA	\$698,616.00	11	5.0%	83,000	15	1.3%	\$180,894.00	\$517,720.00	\$8.42
NEW MEXICO	\$1,115,742.00	3	8.0%	394,000	7	6.2%	\$862,725.00	\$253,017.00	\$2.83
NORTH DAKOTA	\$359,683.00	15	2.6%	125,000	13	2.0%	\$278,299.00	\$81,384.00	\$2.87
OKLAHOMA/KANSAS	\$759,394.00	9	5.3%	259,000	10	4.1%	\$570,512.00	\$189,082.00	\$2.93
OREGON	\$949,230.00	6	6.8%	293,000	9	4.6%	\$640,086.00	\$309,144.00	\$3.23
TEXAS	\$2,298,762.00	1	16.5%	1,570,000	1	26.8%	\$3,450,902.00	\$1,152,140.00	\$1.46
UTAH	\$985,509.00	4	6.9%	420,000	6	6.6%	\$918,385.00	\$67,124.00	\$2.30
WASH/HAW/ALASKA	\$625,125.00	12	4.3%	64,200	16	1.0%	\$139,149.00	\$486,976.00	\$9.66
WYOMING	\$949,759.00	5	6.8%	591,000	3	9.4%	\$1,308,003.00	\$358,244.00	\$1.61
	\$13,914,927.00		100.0%	6,318,200					99.7%

*CONGRESSIONAL DIR
FOR BLACKBIRD
HAZING & CATTAIL
CONTROL

**COMBINING CONTRACT & OPERATIONAL - NEBRASKA ALONE \$3.11/HEAD

FEDERAL AOC FIELD FUNDS FOR WESTERN REGION IS \$2.20 PER HEAD OF STOCK SHEEP.

**WYOMING ANIMAL DAMAGE CONTROL FEDERAL ALLOCATIONS &
COOPERATIVE FUNDING**

Fiscal Year	Federal Funds	MIS Implementati on	Cooperative Funds	Total Funds
1972	\$207,956.00		\$236,035.00	\$443,991.00
1973	\$176,892.00		\$320,869.00	\$497,761.00
1974	\$253,369.00		\$388,904.00	\$642,273.00
1975	\$416,247.00		\$401,992.00	\$818,239.00
1976	\$538,335.00		\$492,572.00	\$1,030,907.00
1977	\$545,949.00		\$356,390.00	\$902,339.00
1978	\$487,911.00		\$383,376.00	\$871,287.00
1979	\$694,204.00		\$380,834.00	\$1,075,038.00
1980	\$617,411.00		\$486,611.00	\$1,104,022.00
1981	\$586,029.00		\$503,264.00	\$1,089,293.00
1982	\$578,251.00		\$480,907.00	\$1,059,158.00
1983	\$587,865.00		\$489,755.00	\$1,077,620.00
1984	\$560,090.00		\$520,309.00	\$1,080,399.00
1985	\$787,096.00		\$461,461.00	\$1,248,557.00
1986	\$797,106.00		\$466,800.00	\$1,263,906.00
1987	\$810,598.00		\$484,422.00	\$1,295,020.00
1988	\$808,511.00		\$474,622.00	\$1,283,133.00
1989	\$821,034.00		\$537,886.00	\$1,358,920.00
1990	\$863,456.00		\$574,661.00	\$1,438,117.00
1991	\$926,633.00		\$533,559.00	\$1,460,192.00
1992	*\$942,559.00		\$658,096.00	\$1,600,655.00
1993	\$949,759.00	\$12,000.00	\$556,314.00	\$1,518,073.00
1994	\$959,317.00	\$12,000.00	-----	-----

*\$7,200 diverted for California Bailout.

WYOMING AGRICULTURAL STATISTICS SERVICE



SHEEP PREDATOR LOSS - 1993

NASS, USDA
P.O. Box 1148
Cheyenne, WY 82003

Animal Damage Control
FEB 1 1994

In cooperation with Wyoming Department of Agriculture

Dear Data Users, CASPER, WYOMING

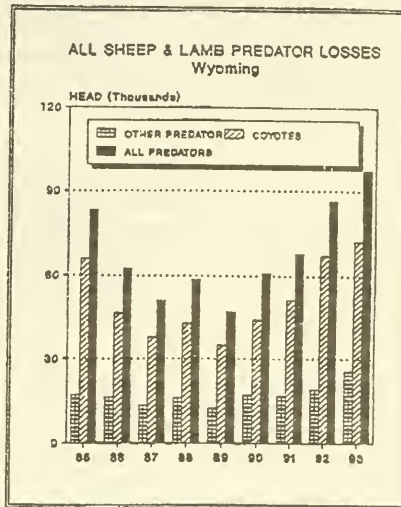
This is a preliminary version of the annual report on sheep and lamb losses funded by the Wyoming Department of Agriculture and supported by the Wyoming Wool Growers Association. This report covers losses due to predators only. The full report which will include losses to all causes (predator and non-predator) will be released April 15.

A survey of producers is conducted in early January and is used to estimate total sheep and lamb inventory on hand January 1 and to estimate sheep and lamb losses to all causes during the previous year. This year, nearly 700 producers responded to the survey. Inventory of all sheep and lambs was down 8 percent from a year earlier. Stock sheep inventory dropped 10 percent to 620,000 head. The 1993 lamb crop totaled 510,000 head, down 12 percent from 1992.

My thanks go to all the Wyoming ranchers and farmers whose voluntary cooperation made this report possible. If you have any question about the report, please call toll-free at 1-800-892-1660.

Sincerely,

Richard W. Coulter
Richard W. Coulter
State Statistician



HIGHLIGHTS

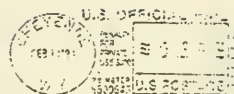
PREDATOR LOSSES INCREASE 13 PERCENT: Wyoming sheep producers lost an estimated 97,500 sheep and lambs to predators in 1993, up 13 percent from 1992. Coyotes were again the main predator taking 74 percent of the total predator losses. Losses to coyotes were up 7 percent. Losses to eagles had the biggest percentage increase. This is the fourth consecutive year with an increase in sheep and lamb losses to predators.

SHEEP LOSSES UP 2 PERCENT: The number of sheep lost to predators in Wyoming during 1993 rose 2 percent to 10,500 head. Coyotes killed 8,500 adult sheep which is down from 8,800 in 1992. Losses to other predators offset this small drop. Coyotes accounted for 81 percent of the sheep losses to predators.

ALL LAMB LOSSES UP 14 PERCENT: Producers lost 87,000 lambs to predators before and after docking in 1993, 14 percent more than in 1992. Coyotes took 73 percent of the lambs lost to predators. Foxes were a distant second with 13 percent. The 1993 lamb losses represent 17 percent of that year's lamb crop, up from 13 percent in 1992.

VALUE OF PREDATOR LOSSES: Sheep producers in Wyoming lost \$4.2 million from sheep and lamb deaths due to predators in 1993. This was up 27 percent from \$3.3 million in 1992. Coyotes alone cost producers \$3.1 million. The large increase in value was due to both more head lost and higher prices.

UNITED STATES DEPARTMENT OF AGRICULTURE
Wyoming Agricultural Statistics Service
P.O. Box 1148
Cheyenne, Wyoming 82003
FOR OFFICIAL BUSINESS



BILL RIGHTMIRE
ANIMAL DAMAGE CONTROL
BOX 59
CASPER, WY 82602

LOSSES OF SHEEP AND LAMBS: PERCENT BY PREDATOR
WITHIN EACH AGRICULTURAL STATISTICS DISTRICT, WYOMING 1993 1/

Cause of Loss	Agricultural Statistics District					
	North	North	South	South	South	
	West	East	West	Central	East	State
	Percent					
Coyotes	78.8	65.2	72.2	81.9	77.1	73.9
Bobcats	--	1.1	1.6	--	.6	.7
Dogs	2.2	.8	.8	.7	.8	.9
Bears	1.7	1.2	2.4	.9	--	1.1
Eagles	5.2	16.8	3.2	7.1	8.1	9.7
Fox	8.2	13.2	18.3	7.1	12.4	11.7
Mountain Lions	3.5	1.7	1.6	2.2	.8	1.9
Other Predators	.4	--	--	.2	--	.1
Total predators	100.0	100.0	100.0	100.0	100.0	100.0

LOSSES OF SHEEP AND LAMBS: PERCENT BY AGRICULTURAL STATISTICS DISTRICT
WITHIN EACH PREDATOR, WYOMING 1993 1/

Cause of Loss	Agricultural Statistics District					
	North	North	South	South	South	
	West	East	West	Central	East	State
	Percent					
Coyotes	12.6	29.2	12.6	25.7	19.9	100.0
Bobcats	--	50.0	28.6	--	21.4	100.0
Dogs	27.8	27.8	11.1	16.7	16.7	100.0
Bears	18.2	36.4	27.3	18.2	--	100.0
Eagles	6.3	36.8	4.2	16.8	15.0	100.0
Fox	8.3	37.3	20.2	14.0	20.2	100.0
Mountain Lions	22.2	30.6	11.1	27.8	8.3	100.0
Other Predators	50.0	--	--	50.0	--	100.0
Total predators	11.9	33.0	12.9	23.2	19.0	100.0

1/Includes all lamb losses both before and after docking.

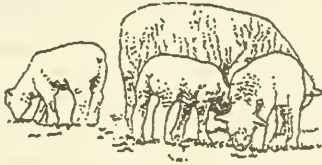
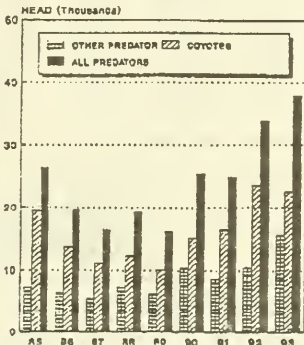
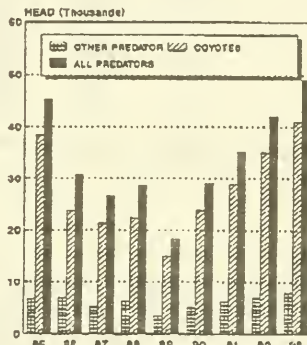
TOTAL P.04

VALUE OF LOSSES OF SHEEP AND LAMBS DUE TO PREDATORS: WYOMING, 1992 AND 1993 1/ 2/

Cause of Loss	Sheep		Lambs		Sheep & Lambs	
	1992	1993	1992	1993	1992	1993
Dollars						
Coyotes	550,000	569,500	2,047,500	2,559,000	2,597,500	3,128,500
Bobcats	6,300	--	7,000	28,200	13,300	28,200
Dogs	12,500	20,100	28,000	24,200	40,500	44,300
Wolves	10,700	40,200	17,500	20,100	28,200	60,300
Eagles	12,500	13,400	182,000	374,800	194,500	388,200
Fox	6,300	13,400	318,500	451,400	324,800	464,800
Mountain Lions	31,200	46,900	52,500	44,300	83,700	91,200
Other Predators	6,300	--	7,000	4,000	13,300	4,000
Total Predators	643,800	703,500	2,660,000	3,506,000	3,303,800	4,209,500

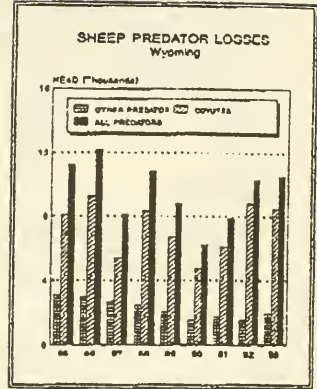
1/Includes all lamb losses both before and after docking.

2/Sheep value is based on a two year average value per head of ewes 1+ years. Sheep value 1992-\$62.50, 1993-\$67.00. Lamb value per head is based on the annual average price received by farmers and ranchers for a 60 lb. lamb. Lamb value 1992-\$35.00, preliminary 1993-\$40.30.

LAMB PREDATOR LOSSES BEFORE DOCKING
WyomingLAMB PREDATOR LOSSES AFTER DOCKING
Wyoming

LOSSES OF SHEEP DUE TO PREDATORS:
WYOMING, 1992 AND 1993

Cause of Loss	1992		1993	
	Head	% of Total	Head	% of Total
Coyotes	8,800	85.4	8,500	81.0
Bobcats	100	1.0	--	--
Dogs	200	1.9	300	2.9
Bears	300	2.9	600	5.7
Eagles	200	1.9	200	1.9
Fox	100	1.0	200	1.9
Mountain Lions	500	4.9	700	6.7
Other Predators	100	1.0	--	--
Total Predators	10,300	100.0	10,500	100.0



LOSSES OF LAMBS DUE TO PREDATORS: WYOMING, 1992 AND 1993

Cause of Loss	1992				1993			
	Before Docking	After Docking	Total	% of Total	Before Docking	After Docking	Total	% of Total
Coyotes	23,500	35,000	58,500	77.0	22,500	41,000	63,500	73.0
Bobcats	100	100	200	.3	300	400	700	0.8
Dogs	300	500	800	1.0	200	400	600	0.7
Bears	100	400	500	.7	--	500	500	0.6
Eagles	3,300	1,900	5,200	6.8	6,200	3,100	9,300	10.7
Fox	5,900	3,200	9,100	12.0	8,600	2,600	11,200	12.9
Mountain Lions	700	800	1,500	2.0	200	500	1,100	1.3
Other Predators	100	100	200	.3	--	100	100	0.1
Total Predators	34,000	42,900	76,900	100.0	38,000	49,000	87,000	100.0



LOSSES OF SHEEP AND LAMBS DUE TO PREDATORS: WYOMING, 1989-1993 1/

Cause of Loss	1989		1990		1991		1992		1993	
	Head	% of Total	Head	% of Total	Head	% of Total	Head	% of Total	Head	% of Total
Coyotes	34,800	73.9	43,900	72.1	51,300	75.6	67,300	78.0	77,000	73.8
Bobcats	300	.6	100	.2	200	.3	300	.3	700	0.7
Dogs	1,400	3.0	1,800	3.0	1,400	2.4	1,000	1.2	900	0.9
Bears	900	1.9	500	.8	1,100	1.6	800	.9	1,100	1.1
Eagles	4,600	9.8	6,100	10.0	4,300	6.3	5,400	6.3	9,500	9.7
Fox	3,800	8.1	7,200	11.8	7,000	10.3	9,200	10.7	11,400	11.7
Mountain Lions	1,200	2.5	1,100	1.8	2,200	3.2	2,000	2.3	1,800	1.8
Other Predators	100	.2	200	.3	200	.3	300	.3	100	0.1
Total Predators	47,100	100.0	60,900	100.0	67,900	100.0	85,300	100.0	97,500	100.0

1/Includes all lamb losses both before and after docking.

Mr. CONDIT. Thank you, sir. Mr. Nuckolls.

STATEMENT OF J.W. NUCKOLLS, AMERICAN SHEEP INDUSTRY ASSOCIATION

Mr. NUCKOLLS. Mr. Chairman, Congressman Thomas, I appreciate the opportunity to appear before you today to present the views of the American Sheep Industry on the Animal Damage Control Program. My name is J.W. Nuckolls. I'm a sheep rancher from Hulett, WY and currently serve on the ASI predator management committee.

The American Sheep Industry Association wishes to discuss three major points in today's hearing. The first point deals with the administration's proposed budget cut of \$2.6 million. ASI strongly supports ADC funding at fiscal year 1994 levels.

The second point deals with ASI's strong support for the transfer of lead agency responsibilities for the National Environmental Policy Act from the Department of Land Management to APHIS-ADC. Finally, ASI supports \$1 million in additional funding to bring the Animal Damage Control Program into full compliance with NEPA.

In furtherance of reading the rest of the prepared testimony, I will drop back to the latter part of it and then would like to make some personal remarks. Both the Department of Interior and the Department of Agriculture agree to the principal of transferring lead agency responsibility for NEPA from BLM to APHIS-ADC.

ASI believes now is the time to sit down at the table to initiate this transfer. ASI also appreciates the involvement of Members of Congress in ensuring that appropriate transfer is completed. ASI's support for the transfer of NEPA responsibility is, however, subject to three very important qualifications.

These include, No. 1, adequate funding for NEPA compliance; No. 2, that BLM withdraw, amend or otherwise make moot its stay on animal damage control; and, No. 3, the drafting of a memorandum of understanding between BLM and ADC which allows the ADC program to fulfill its legislative mandate.

I took quite an interest in Mr. Stuckenhoff's remarks here in regard to his outlining the decision that he has made in his business operation of his ranch in regard to predator control and the sheep industry portion of his operation. I guess I have been forced to reflect back 20 years, in 1974, when the Senate had oversight hearings here in this same city, and this was shortly after the ban went on the compound 1080, which was a very effective tool for controlling populations of coyotes at that time.

However, what we were assured, and this was under the Department of Interior, at that time, we were assured that whatever it took to keep the population of coyotes under control and the losses of livestock down, it would be provided.

What was specifically mentioned was that fixed-wing and helicopter aircraft were going to be basically available in unlimited supply. In other words, money is not a factor here. You do without 1080 and we'll put the aircraft in the air and we'll control the numbers to where you don't have the losses.

The other promise that was made 20 years ago was that there was going to be a substantial increase in research moneys, that we'd come up with new technology, new tools that would more than

replace the effectiveness of 1080 and do it in a much more desirable fashion.

Well, as we sit here today and look at the estimated predator cost to the sheep industry and to a lot of the other wildlife around the State, these promises have a pretty hollow ring. I guess I follow pretty closely in Mr. Stuckenhoff's position. In our particular area, I can see the handwriting on the wall. Our sheep-raising is just about over.

We can sustain the loss of the incentive program, but the loss of it along with a 24 to 27 percent predator loss takes the viability out of just about any agriculture industry that you want to put a finger on when you look at absorbing these types of losses.

I think it's interesting to note from our adversarial positions that we have a lot of rhetoric about the sheepman not taking care of his animals or being lax in his herdsman'ship. I think you need to follow the scheme of things to recognize that this does not exemplify the majority of the sheepmen in the country.

One example of this is the grasp of any tool that could help stop predation and I think that the pred-tags, what they call the predator tags that hit the market here a year ago that were supposedly researched by private entities and had had a degree of success in cutting predator losses.

Well, the situation was so critical that many sheepmen in this State I know bought the tags. They were \$1 apiece. And they bought them and used them. There were several hundred thousand dollars spent on them in this State. Of course, it turned out to be a pretty cruel hoax. The chemical in the tags, whatever it was, they were impregnated into a fluorescent orange tag and it became kind of a standing joke that they didn't even have to—the coyotes didn't have to wait for moonlight to use them because with that illuminated tag, they could do their work without the full of the moon.

But it's been desperate enough that they have spent a lot of money in any area that legally they felt that they could cut their losses. So this is how desperate the situation has become.

I think we need to recognize that the sheep industry has been the whipping industry for the predation over this period of time. I think at that time, we need to look ahead and see when this industry is going, who is going to carry the major brunt of this increased predator population. They do have to be fed by something.

This is my primary concern today. I'm pretty well resigned to the fact that under present conditions, our sheep industry is going. We have an abundance of wildlife on our place and we do sell and promote a quite healthy hunting industry in the white-tailed deer and in our turkeys.

My primary concern right now is going to be being able to sustain that deer herd once our sheep are gone, because they are no longer going to be living on the sheep. They're going to be living on the deer herd and this is going to be our second area of income that's going to get hammered, and we can only stand to lose so many of those enterprises before we're no longer a viable operation.

So I think this really needs some serious consideration. One thing that I think that Congress has a close interest in also is when we look at Wyoming, with the \$4.2 million economic loss to predators this past year, we need to recognize that basically those

are taxable dollar losses that we are talking about, because no industry stays in business if they're taking in less income than they're putting out each year.

So we're talking about that as being the income that is taxed and going to the Federal Treasury. That's laying out there in the country. It's not getting to Washington, DC, I can guarantee you. I think we need to recognize that.

Basically, I run about a three-quarters-of-a-million dollar budget through our ranch every year, but I haven't been paying income taxes, and I can tell you quite easily why. It's because our losses are laying out there on the range that we would be paying income taxes on. So this makes the input of better control fairly small when you look at the net loss of revenues to the Federal Treasury when we take this aspect into consideration.

I very much appreciate being able to be here to testify today on behalf of the American Sheep Industry and also on behalf of our personal operation. I extend our sincere appreciation for the committee's interest in ADC and the opportunity today to discuss with you the sheep industry's needs, concerns, and suggestions regarding the Animal Damage Control Program.

Thank you.

[The prepared statement of Mr. Nuckolls follows:]



**American
Sheep Industry
Association**

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**Statement of Jw NUCKOLLS
Representing
AMERICAN SHEEP INDUSTRY ASSOCIATION
for the
UNITED STATES HOUSE OF REPRESENTATIVES
GOVERNMENT OPERATIONS SUBCOMMITTEE ON
INFORMATION, JUSTICE, TRANSPORTATION AND AGRICULTURE
April 22, 1994**

Introduction & Overview

Congressman Thomas, I appreciate the opportunity to appear before you today to present the views of the American Sheep Industry Association (ASI) on the Animal Damage Control Program. My name is Jw Nuckolls. I am a sheep rancher from Hulett, Wyoming and currently serve on the ASI Predator Management Committee.

The American Sheep Industry Association wishes to discuss three major points in today's hearing. The first point deals with the administration's proposed budget cut of \$2.7 million. ASI strongly supports ADC funding at FY 1994 levels. The second point deals with ASI's strong support for the transfer of lead agency responsibilities for the National Environmental Policy Act (NEPA) from the Bureau of Land Management to APHIS/ADC. Finally, ASI supports \$1 million in additional funding to bring the Animal Damage Control program into full compliance with NEPA.

The Animal Damage Control (ADC) program is an important and necessary government service which has served the sheep industry and the American people for most of this century. This program serves to protect human health from wildlife-borne diseases such as plague, rabies and lyme disease. At JFK International Airport, ADC protects human safety by preventing airplane collisions with wildlife. In Reno, Nevada, ADC protects the safety of children by removing a mountain lion showing aggressive behavior on a school ground. ADC also protects natural resources such as timber and range, wildlife resources, both state and federal, and private property from damage caused by public wildlife. Many sectors of agriculture, wildlife management and public health and safety rely heavily on the professional services provided by the ADC program. This reliance on ADC has led to strong partnerships between federal, state and private interests in which costs for the program are shared almost equally between the entities.

In 1988, agricultural losses to wildlife damage totaled one-half billion dollars. This figure only accounted for raw agricultural products, not the value of these products on the retail shelf. These losses have led to increased demand for ADC services not only by the livestock industry, but also from fruit producers, aquaculture, small grain and other crop producers. As wildlife populations expand, city, county and state governments are requesting more ADC services to control wildlife problems. The U.S. Fish & Wildlife Service is more frequently requesting that ADC protect sensitive species, and utility companies are in more frequent need of ADC services to protect power, telephone and other essential utilities. Yet these increases in demand have not been reflected in increased budget, increased staff or improved equipment.

With regard to the sheep industry, the Animal Damage Control program of USDA-APHIS is vital to our economic survival. In 1990, the National Ag Statistics Service reported that the industry's sheep and lamb losses totaled one-half million head. Idaho, Montana and Wyoming sheep and lamb losses to predators have increased an additional 33.5 percent since 1990, with

the value of these losses now exceeding \$7.2 million. The value of sheep losses in these states has risen by more than 53 percent at the same time that sheep inventories have dropped by 13 percent.

The sheep industry cannot continue to bear the cost of feeding the public's wildlife. Our losses in the 1970s were 4-5 percent of our total inventory. Today, they exceed 10 percent of our total inventory. These losses are not limited to the West, but are also increasing in the eastern states.

Reasons for the increased losses include: more predators, fewer and less efficient methods of controlling predators; increased government resistance to managing not only predators, but all wildlife; increased demand for services spreading ADC's limited resources; and finally, the fact that ADC is spending fewer staff days and covering less acreage controlling predators.

ADC's cost of doing business has escalated in recent years because of mandated increases in government benefits, agencies forcing ADC to use less efficient control methods, and increased regulatory requirements by the Environmental Protection Agency and U.S. Fish & Wildlife Service. The last factor is compounded by the National Environmental Policy Act requiring ADC staff time that was once spent in the field.

Despite the previously mentioned factors, the administration now wishes to cut \$2.6 million from ADC's already limited budget. This cut will mean a loss of 80 staff years from the ADC program. If increased crime justifies an increased budget for law enforcement, then increased losses of private and public resources to wildlife damage more than justifies that ADC's budget remain constant, if not that it increase above FY 1994 levels.

ADC BUDGET

ASI is strongly supporting the funding for ADC programs at the FY 1994 level of \$26.1 million with an increase of \$1 million for National Environmental Policy Act compliance expenses, for a total program operation budget of approximately \$27.1 million.

NEPA compliance is a high priority in conducting animal damage control on private, state and federal lands, and ASI is strongly supporting funding to meet NEPA's requirements. Non-compliance and the subsequent loss of preventative ADC activities on federal lands is a tremendous cost to sheep producers. As a case in point, Wyoming producers experienced a 13 percent increase in predator losses in 1993 after BLM shut down preventative ADC control.

ASI has urged the Appropriations Subcommittee to appropriate a \$1 million increase in ADC funding to meet the cost of complying with the National Environmental Policy Act. In 1992, ADC assumed responsibility for NEPA compliance on animal damage control from the USDA Forest Service yet did not receive additional funding to support this increase in responsibility. The Departments of Agriculture and Interior are now drafting a Memorandum of Understanding to transfer the lead agency responsibility for NEPA compliance from the Bureau of Land Management to APHIS/ADC. ASI supports this transfer because in the longrun it will lead to

more efficient government and could eventually result in reduced government cost. The reduced cost will be realized because ADC no longer will have to prepare three separate NEPA documents for private, Forest Service and BLM lands, but will be able to prepare a single document covering all three classes of land ownership. At this time, however, APHIS/ADC needs additional funding to get ADC's NEPA program fully operational to meet these added responsibilities.

Research for animal damage control is important to the sheep industry. The long-term ability to protect livestock depends on the development of effective control methods. This development is accomplished through adequately funded research programs. We are supporting funding for animal damage control research of at least the amount appropriated in Fiscal Year 1994, or \$9.68 million.

The ADC/BLM Conflict over the National Environmental Policy Act

Congress should be aware of the conflict this past year regarding Animal Damage Control, the Bureau of Land Management and the National Environmental Act. Congressional support and assistance in resolving this conflict is appreciated.

ADC has protected livestock and other natural resources on private, state and federal lands such as those administered by the Bureau of Land Management (BLM) almost uninterrupted since 1917. In April 1993, the Bureau of Land Management shut down Animal Damage Control on BLM Districts not having suitable National Environmental Policy Act (NEPA) documents. With 24 percent of the sheep industry utilizing BLM lands, this action caused major financial harm to sheep producers in states of California, Montana, North Dakota, Utah, Colorado, Idaho, Oregon, Nevada, New Mexico and Wyoming.

The state of Wyoming is very representative of the impact caused by the BLM shut down of Animal Damage Control. According to National Agricultural Statistics Service and BLM figures, 92 percent of Wyoming's sheep inventory grazes BLM administered lands at some point during the year. Preventative control was halted on all of Wyoming's BLM Districts in 1993. Ag Statistics Service figures showed that Wyoming sheep producers experienced a 13 percent increase in sheep and lamb losses last year. The value of this state's losses increased from \$3.3 million in 1992 to \$4.2 million in 1993, representing a 27 percent increase. Coyotes alone cost Wyoming producers \$3.1 million.

Last year, when reviewing its alternatives regarding the shut down of ADC, the American Sheep Industry Association (ASI) did not only consider impacts caused by predation on BLM lands, but also the negative precedent this action set for decisions involving government regulation of other long-term programs such as grazing on Federal lands. This precedent even holds ramifications for other long-term programs such as hydroelectric power or disposal of radioactive waste. For example, it did not make sense to shut down all electric power to customers in the Northwest because dams built in the 1930s have not completed their NEPA documentation, nor did it make sense to shut down the services provided continuously by ADC

since 1917. ASI felt that BLM's decision to shut down the Animal Damage Control Program clearly established a precedent whereby radical groups could halt all long-term existing programs.

ASI also felt that BLM actions were contrary to a 1974 federal court decision. In 1974, the Natural Resource Defense Council filed a similar suit to halt grazing on all BLM lands. While the District of Columbia found that the BLM must comply with NEPA, grazing on western BLM lands was allowed to continue while an Environmental Impact Statement was prepared.

The Federal court did not stop grazing on BLM lands because NEPA was not meant to stop programs initiated before NEPA was enacted. Instead, NEPA was meant to force government consideration of the impacts of new decisions before these decisions caused environmental impacts. Furthermore, both NEPA and the Council of Environmental Quality (CEQ) regulations involving NEPA require federal agencies to consider significant environmental impacts of proposed actions by using a no-action alternative as the baseline from which to make informed decisions. The no-action alternative is defined as no change from current management direction or level of management intensity. Grazing was also allowed to continue because Congress wanted NEPA decisions to be scientifically based. In the case of BLM grazing, most scientific information on rangelands was collected under historic grazing programs.

The ADC program also has a long history on BLM lands dating back to the beginning of this century. This program is the basis for most information regarding predators, and as mandated by CEQ regulations, continuation of the current program should be the basis for the no-action alternative. In other words, ADC should be allowed to continue until such time as other management alternatives have been considered and a preferred action (which can be no-action) was chosen.

The BLM's action, however, violated the intent of NEPA and CEQ regulations. By choosing no ADC program as the BLM's no-action alternative, the BLM was not basing its decisions on scientific information, but rather was basing its decisions on what BLM personnel believed to have existed before predator management was initiated 100 years ago. The BLM's decision regarding predator control set a precedent for all future NEPA decisions to be based on the biases and opinions of the agency rather than on defensible scientific facts.

In June 1993, the American Sheep Industry Association and fifty other plaintiffs representing producers as well as national, state and county sheep, cattle and farm organizations, initiated legal action against the Bureau of Land Management. ASI believed that Director Baca's actions to halt the Animal Damage Control Program were arbitrary and capricious and a clear abuse of his agency powers. ASI also believed that the director's actions were a violation of the Administrative Procedure Act, the Animal Damage Control Act, the National Environmental Policy Act, and the Rural Development, Agriculture, and Related Agencies Appropriations Act. Administrative law in regard to honoring private and county government contracts with the Federal government was also violated by the director's action.

Specifically, in taking action to halt the ADC program, the Director of the BLM failed to consider: 1) the government's legal obligations under the Animal Damage Control Act of 1931 to protect sheep, cattle and wildlife from predation; 2) the economic impacts on the cattle and sheep industries; 3) the impacts on state fish and game programs which are also carried out in cooperation with ADC; 4) the impacts on threatened and endangered species such as the desert tortoise and the blackfooted ferret which ADC protects; and 5) the impacts on human health and safety which ADC protects.

The impact of the BLM's failure to complete NEPA documents for Animal Damage Control was not only felt by the sheep industry in 1993. ADC, which does 80-90 percent of the plague monitoring for state health departments states such as California and Arizona, was unable to maintain its monitoring programs on much of the 178 million acres administered by the BLM. This was at a time when a quarter of the counties in the states of Montana and Colorado were experiencing a plague epidemic. Fourteen people in New Mexico were diagnosed with plague in 1993, one Colorado man died from the plague, and the State Department of Health in Montana had to issue warnings to the public.

ADC was also unable to conduct joint projects with state departments of wildlife on BLM lands in 1993 due to the lack of NEPA documents. Predation on mule deer populations in the state of Utah became so severe that the state had no choice but to take control of the ADC program last fall so that preventative predator control programs could be conducted on BLM lands.

In October 1993, ASI filed suit in federal court, thereby attempting to gain a temporary injunction against the BLM regarding shut down of ADC. The judge still has not ruled on this request, and many sheep producers have entered their second lambing season without preventative predator control. The problem has been further compounded this year, as coyote populations in 1993 were allowed to expand. Failure to have NEPA documents in place on 18 BLM districts is once again causing heavy losses this spring. Attempting to prevent another all out slaughter, the American Sheep Industry Association is pursuing every avenue available.

ASI Recommends Transfer of Lead Agency Responsibility of NEPA from the BLM to ADC

ASI, pursuant to its national policy, supports the assignment of all lead agency responsibility for NEPA compliance for Animal Damage Control programs to the U.S. Department of Agriculture-APHIS, with adequate funding. USDA-APHIS has lead responsibility for NEPA compliance for ADC activities on all land classes except BLM administered lands. It is ASI's belief that this lack of authority on BLM land has resulted in numerous disruptions of ADC activities. ASI communicated its policy to the Department of the Interior earlier this year.

During the past year, the NEPA documents produced by the BLM have been criticized for their failure to adequately explain the ADC program and to justify ADC's functions. It is little wonder that this criticism has occurred, because BLM has been forced to analyze the effects of a program that it does not administer and has no statutory responsibility to perform. For instance, in a Federal court hearing last fall, the BLM was unaware of the various studies performed regarding the effectiveness of preventative predator control and the importance of ensuring that preventative control occurred just before lambing season, or when coyotes themselves had pups. In testimony, it was discovered that the BLM was unaware that the Animal Damage Control Program played an important role in monitoring the presence and incidence of plague in the west. BLM was often uninformed of the fact that predator control has been sought to protect threatened and endangered species or to reduce the predation on big game and other wildlife. These are all important aspects of the ADC program that were not fully understood by BLM, and this lack of information often led to a less than clear explanation of the purpose and importance of the ADC program.

Both the Department of the Interior and the Department of Agriculture agree to the principle of transferring lead agency responsibility for NEPA from the BLM to APHIS/ADC. ASI believes now is the time to sit down at the table to initiate this transfer. ASI also appreciates the involvement of members of Congress in ensuring that an appropriate transfer is completed. ASI's support for the transfer of NEPA responsibility is, however, subject to three very

important qualifications. These qualifications include: 1) adequate funding for NEPA compliance; 2) that BLM withdraw, amend or otherwise make moot its stay on Animal Damage Control; and 3) the drafting of a Memorandum of Understanding between the BLM and ADC which allows the ADC program to fulfill its legislative mandates.

First, it is imperative that the transfer be accompanied by commitments from both departments for adequate resources in both manpower and funding to meet the needs of NEPA compliance. The sheep industry has already suffered millions of dollars in damages due to inadequate predator control or, in many areas, the total lack of a predator control program. Without adequate funding for APHIS to carry out compliance activities, the industry fears that this financial stress will continue.

The Animal Damage Control Program is a joint private, state and federally funded program. Cooperative funding from the livestock industry and the state covers approximately half of the costs of each state program. We request that the Departments of Agriculture and the Interior commit adequate resources this budget year to carry out federal NEPA responsibilities. For FY 1995, \$1 million in additional funding is required to get the ADC program in full compliance with NEPA.

Secondly, preventative animal damage control is essential to protect vulnerable lambs and to keep predator populations at a manageable level. Sheep producers in the affected BLM districts have already suffered a full year with no preventative ADC work. This lambing season, many of these producers still have not found relief from the current BLM-placed restrictions.

In order for effective predator control to proceed, the BLM must immediately withdraw, amend, or make moot the April 1993 suspension of preventative ADC control, and respective BLM District Managers must withdraw the Findings of No Significant Impacts (FONSI) which have been appealed. With the withdrawal of these FONSI, the Interior Board of Land Appeals must then expeditiously dismiss all appeals of BLM District Environmental Assessments on Animal Damage Control. Several of these appeals have been pending for more than a year.

Finally, to ensure the consistency of the ADC program, the Memorandum of Understanding facilitating the transfer of NEPA responsibilities from the Bureau to APHIS-ADC should follow CEQ regulations. The MOU between the Bureau and APHIS-ADC should not require ADC to cooperate strictly with state wildlife agencies. Flexibility must be incorporated into the language since the state agencies with responsibility over agricultural predator problems vary from state to state. ADC also needs to be able to cooperate with state agriculture, health and wildlife agencies since ADC's activities overlap into all these areas of responsibility.

The BLM's role in approving ADC should be consistent with the BLM District's management program. Since APHIS employees or contractors perform the actual activities, it makes little sense for BLM to be primarily responsible for public safety. If APHIS/ADC is to be the lead agency, BLM's role as a cooperating agency should meet its statutory and program responsibilities.

Conclusion

On behalf of the American Sheep Industry Association, I extend our sincere appreciation for the Committee's interest in ADC and the opportunity today to discuss with you the sheep industry's needs, concerns and suggestions regarding the Animal Damage Control Program.

Statement of JW Nuckolls
for the
United States House of Representatives
Government Operations Sub Committee on
Information, Justice, Transportation and Agriculture
April 22, 1994

I am JW Nuckolls. My wife, Thea, son and daughter-in-law. Will and Laura, their children, Lance and Kyle, son-in-law and daughter, Shannon and Dawn Brengle and their children, Brandi, Terresa and Kate, ranch in Northeast Wyoming, raising sheep, cattle, timber and an abundance of wildlife.

Congressman Thomas, I appreciate the opportunity to testify before this sub-committee on the USDA Wildlife Services program.

I reflect testifying at Senate oversight hearings in Casper, Wyoming in 1974 shortly after the ban on Compound 1080. The Department of Interior at that time promised increased funding for research and alternate control techniques to reduce livestock losses from predation. Also recognized was the need for increased funding because non-use of the selective predicide compound 1080 would escalate the cost controlling predator populations.

It is significant to note that on February 24, 1994, the International Association of Fish and Wildlife Agencies requested increased funding in order for Wildlife Services to maintain capability to respond to requests for help from the public.

Though wildlife Services, under USDA, is the logical agency for efficiency and effectiveness, a problem exists since its transfer from Interior because RESPONSIBILITY and AUTHORITY have been separated. Logically, the NEPA (National Environmental Policy Act) Compliance responsibility for Forest Service and Bureau of Land Management lands should be the responsibility of Wildlife Services with appropriate funding to carry the burden of compliance.

To put wildlife damage in perspective here in the West lets consider the fact that the entire world population could be housed, four to a home of 1,500 square feet, all within the state of Texas. This exemplifies the vast unpopulated areas in the West to exercise some type of population control.

Most responsible Federal and State wildlife agencies manage various species for the ultimate well-being of that species. If we do not recognize management of populations then the objective must be something other than maximizing diversity of wildlife species.

In Wyoming, it is not realistic to address minimum livestock loss and minimum loss of wildlife species other than predator species if Forest Service and Bureau of Land Management Lands are not part of the equation.

Wildlife Services under USDA can be a highly effective and responsive agency if responsibility and authority can again be combined to let the agency serve the public under the authority of the 1931 Act mandated by Congress.

After two decades (20 years) the promise of minimum monetary loss to the economy through dynamic research and effective implementation of existing tools has a hollow ring.

Perceptions and reality may not be the same or even related. We need to think some of how successfully we can handle the perception of not being hungry when in fact we are!

Mr. CONDIT. Thank you, sir. Mr. Ellis.

**STATEMENT OF FRANK ELLIS, OWNER, ELLIS SHEEP CO.,
CASPER, WY**

Mr. ELLIS. Chairman Condit, Congressman Condit, members of your staff, my name is Frank "Pinky" Ellis. I'm an owner in a family ranch corporation, Ellis Sheep Co., Casper. We're incorporated in the State of Wyoming.

Our losses of lambs to coyotes in 1993 was approximately 200 lambs, plus or minus. That's out of a ewe herd of 2,400. That's nearly 9 percent. That cost us \$11,000 in a Small operation, a significant loss.

For the past 10 years, we have been more fortunate than most sheep outfits in Natrona County in that we've not had severe predator losses. However, in 1993, the coyote population explosion caught up to us.

The Animal Damage Control Program has performed well in past years, but now there are simply too many coyotes and not enough personnel and the money for control work is diminishing. May I suggest to your subcommittee that the use of toxicants be resumed. I refer specifically to the use of compound 1080, sodium monofluoracetate. This much maligned predicide is still the most inexpensive, canine selective, and effective control that is available to reduce coyote numbers.

I do not seek the eradication of the coyote. It didn't happen 40 years ago when it was used all over the entire country. My challenge to this committee is to open avenues of dialog to help overcome the hysteria that has surrounded the 1080 topic for the past 20 years. Please examine that material that has been provided to you in order to obtain an objective analysis of the successful use of compound 1080. Its use could result in a significant reduction in ADC budget requirements which the current program cannot satisfy.

If all antagonistic groups would open their minds to reason, progress could be made to reduce coyote populations for the benefit of many user factions—big game hunters, upland and waterfowl hunters, weekend rabbit hunters, bird watchers, and livestock grazers.

Thank you for your time and consideration.

[The prepared statement of Mr. Ellis follows:]

GENTLEMEN:

MY NAME IS FRANK "PINKY" ELLIS. I AM AN OWNER IN A FAMILY RANCH CORPORATION, ELLIS SHEEP COMPANY, CASPER, INCORPORATED IN THE STATE OF WYOMING.

OUR LOSSES OF LAMBS TO COYOTES IN 1993 WAS 200 +/- OUT OF A EWE HERD OF 2400, NEARLY 9%, WHICH COST US APPROXIMATELY \$11,000, A SIGNIFICANT LOSS TO A SMALL RANCH OPERATION. FOR THE PAST 10 YEARS WE HAVE BEEN MORE FORTUNATE THAN MOST SHEEP OUTFITS IN NATRONA COUNTY IN THAT WE HAVE NOT HAD SEVERE PREDATOR LOSSES. HOWEVER, IN 1993 THE COYOTE POPULATION EXPLOSION CAUGHT UP TO US.

THE ADC (ANIMAL DAMAGE CONTROL) PROGRAM HAS PERFORMED WELL IN PAST YEARS BUT THERE ARE SIMPLY TOO MANY COYOTES, NOT ENOUGH PERSONNEL, AND THE MONEY FOR CONTROL WORK IS DIMINISHING.

MAY I SUGGEST TO YOUR SUB COMMITTEE THAT THE USE OF TOXICANTS BE RESUMED. I REFER SPECIFICALLY TO THE USE OF COMPOUND 1080, SODIUM MONOFLUORACETATE. THIS MUCH MALIGNED PREDICIDE IS STILL THE MOST INEXPENSIVE, CANINE SELECTIVE, AND EFFECTIVE CONTROL THAT IS AVAILABLE TO REDUCE COYOTE NUMBERS.

I DO NOT SEEK ERADICATION OF THE COYOTE. IT DID NOT HAPPEN 40 YEARS AGO WHEN 1080 WAS USED OVER THE ENTIRE COUNTRY.

MY CHALLENGE TO THIS COMMITTEE IS TO OPEN AVENUES OF DIALOGUE TO HELP OVERCOME THE HYSTERIA THAT HAS SURROUNDED THE 1080 TOPIC FOR THE LAST 20 YEARS. PLEASE EXAMINE THE MATERIAL PROVIDED YOU IN ORDER TO OBTAIN AN OBJECTIVE ANALYSIS OF THE SUCCESSFUL USE OF COMPOUND 1080. ITS USE COULD RESULT IN A SIGNIFICANT REDUCTION IN ADC BUDGET REQUIREMENTS WHICH THE CURRENT PROGRAM CANNOT SATISFY.

IF ALL ANTAGONIST GROUPS COULD OPEN THEIR MINDS TO REASON, PROGRESS COULD BE MADE TO REDUCE COYOTE POPULATIONS FOR THE BENEFIT OF MANY USER FACTIONS -- BIG GAME HUNTERS, UPLAND AND WATERFOWL HUNTERS, WEEKEND RABBIT HUNTERS, BIRD WATCHERS AND LIVESTOCK GRAZERS.

THANK YOU FOR YOUR TIME AND CONSIDERATION.

THE UNIVERSITY OF WYOMING

DEPARTMENT OF RANGE MANAGEMENT
University Station, Box 3354
Laramie, Wyoming 82071



COLLEGE OF AGRICULTURE AND AGRICULTURAL EXPERIMENT STATION

Telephone: (307) 766-5263

March 25, 1983

TO: Individuals and Groups Addressed
FROM: Fee Busby

Enclosed is an article I recently received that I thought you would be interested in. Please note that the article is marked, "This material may be reproduced in part or in full". Please give Dr. Howard credit if you reproduce the material.

A handwritten signature in cursive script that reads "Fee Busby". The signature is written in dark ink and is positioned in the lower right quadrant of the page.

Persons seeking admission, employment, or access to programs of the University of Wyoming shall be considered equally without regard to race, color, national origin, sex, religion, political belief or handicap.

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 AGRICULTURAL EXPERIMENT STATION

 DEPARTMENT OF WILDLIFE AND FISHERIES BIOLOGY
 UNIVERSITY OF CALIFORNIA
 DAVIS, CA 95616

(916) 752-2564

February 25, 1983

TO: WHOM IT MAY CONCERN

At long last the evidence has appeared to support what many of us have known for a long time but could not prove. It is that the Environmental Protection Agency did not follow their own established procedures when Compound 1080 was banned in 1972 for use in controlling coyotes and that falsification of evidence was used by the Council on Environmental Quality and the Department of Interior to trap President Nixon, Congress and EPA in this conspiracy.

As a highly concerned resource person, speaking for myself, I have followed this matter very closely from the beginning and hope this new evidence about the conspiracy will stimulate others to ferret out the specifics of the hoax that 1080 is so dangerous.

A handwritten signature in cursive script that reads "W. E. Howard".

 Walter E. Howard
 Professor and Vertebrate Ecologist

February 1983

NOTE: This material may be reproduced in part or full.

THE COYOTE-1080 CONSPIRACY:

AN ABORTED ATTEMPT TO DRIVE LIVESTOCK OFF FEDERAL LANDS

Walter E. Howard
Professor and Vertebrate Ecologist
Wildlife and Fisheries Biology
University of California
Davis, California 95616

Compound 1080, a toxicant that was used for many years to poison coyotes, was banned for this purpose by the Environmental Protection Agency (EPA) in 1973, and this is one example where the press failed to investigate government irregularities that many people reported at that time. The great coyote-1080 conspiracy that was perpetrated during the "Coyotegate Years" of 1971-73 still continues today. Perhaps the press was too involved in Watergate matters to take notice of the conspiracy. Anyway, it has taken an extensive Ph.D. thesis (Angus A. MacIntyre, "The politics of nonincremental domestic change: major reform in federal pesticide and predator control policy," University of California, Davis, 876 pp., 1982) to fully document how this conspiracy was orchestrated primarily by one individual in the President's Council on Environmental Quality (CEQ). His principal collaborator was the assistant secretary of the Department of the Interior (USDI). This well-documented and scholarly thesis provides fascinating reading on how the Environmental Protection Agency (EPA) and President Nixon also were tricked into assisting in the conspiracy.

I think the main reason EPA foolishly joined in the conspiracy was, as biology officials in EPA told me (3/21/73), they reasoned that since the U.S. could import all the livestock products needed from Argentina, Australia and New Zealand, why protect them from coyotes on federal lands in the West? There was a movement at that time to remove livestock from all government lands. They overlooked or didn't care, that sheep and cattle are also grazed on private lands, that coyotes do not recognize property boundaries, and that these lands have been designated by Congress for multiple use, including grazing.

Many innocent people and organizations, including the White House staff, EPA, and Congressional leaders, became entrapped in the conspiracy, and the general public and scientific community were equally fooled by the hoax that Compound 1080 was such a terrible poison. Even though EPA's hearings (FIFRA Docket No. 502) held March 30 to August 6, 1982 (which probably cost several million dollars) clearly proved that the earlier claims against 1080 were not true, the politics have not ended. It is going to be interesting to see if EPA can make a clean break from the conspiracy in its 1983 decisions.

The central question at issue is do coyotes have to be controlled? All sides now seem to agree in the affirmative. Next, are poisons still necessary? For those who have studied the matter, the answer, unfortunately, is clearly yes. There are many coyotes that cannot be controlled by any other means. Then, if poisons are still required, is 1080 the best toxicant to use, except for cyanide in the M-44 devices? The following is an attempt to clear the air on these matters.

As a faculty member of the University of California and a highly concerned resource person, environmentalist, and conservationist, I have been researching 1080 (sodium monofluoroacetate) for the control of rodents for 35 years and the control of coyotes for a decade; but, of course, I speak for myself and not for the University of California.

As my more than 300 research papers and reports will testify, my research goal, i.e., the applied aspects of my research, is to develop the most selective, safest, efficacious, humane, and environmentally desirable way of controlling wildlife that are pests to homeowners, farmers, ranchers and foresters, and I consider poisons a last resort. It is a pity that we can't all work together to benefit the environment by developing better alternative control methods. I take great pride in having probably saved more nontarget wildlife in nature than most environmental organizations, for they must create money-soliciting bonfires directed toward "anti" control legislation rather than seek better alternative solutions, which is the constructive approach that is needed.

The general public has been hoodwinked, bamboozled, duped, tricked, deluded or what have you, especially since the early 1970s, into thinking 1080, when used to control coyotes, then kills everything. When did all this start? Compound 1080 was first field tested in 1945 at the U.S. Forest Service's San Joaquin Experimental Range in California. It proved to be a highly effective rodenticide to use against the California ground squirrel to increase food production during World War II. However, since it was also selective for dogs, an obvious problem existed. Too many people want to poison their neighbor's dog. Also, no one wanted 1080 to get the bad name thallium sulfate had acquired in its effect on dogs. But since EPA did not exist at that time, it looked like it was not going to be an easy matter to get 1080 restricted so that only trained officials could use it. Therefore, the best way to achieve this restriction seemed to be to make 1080 look so dangerous that untrained people would not want to use it (personal communication with the five government and state officials who conducted the tests). The technique worked, and everyone was sufficiently frightened so that the only officials who wanted to use 1080 for rodent or predator control for many years were those who had no other toxicant available that would do the job so effectively and with so few environmental problems.

Later, when individuals and organizations began to object to the killing of any animal, it was only natural that they chose 1080 as a logical target, since the Fish and Wildlife Service (FWS) of USDI had already frightened most of its own personnel about 1080. And for the last 30 years or so, Interior has not permitted their own animal control research branch, the Denver Wildlife Research Center (DWRC), to carry out research on how to use 1080 for rodent and predator control in a more efficacious and safe way. The only research on 1080 that Interior has permitted is its use in the "toxic collar," a device placed on sheep to control coyotes. The reason for this is that the assistant secretary of USDI responsible for animal control is also in charge of National Parks, a hopeless conflict of interest.

The controversy about 1080 continued to smolder, with the Washington office of USDI never permitting the DWRC to keep the public properly informed about this toxicant, so it became a natural target for "anti" groups to exploit when the ecology movement started with the establishment of the National Environmental Protection Act of 1969 (NEPA), signed in 1970.

Actually in the late '60s and early '70s, few people really understood the true ecology of coyote control with 1080, and most of those who did were in the FWS and not allowed to speak out. In the late '60s and early '70s, it became politically possible for a new breed of environmental lawyers to maneuver public view--with intrigue and tacit actions from some officials in CEQ, USDI, and EPA--so that the public, including most biologists and conservationists were convinced that 1080 was an uncontrollable control, an indiscriminate toxicant that concentrates in food chains, causes mass secondary and direct slaughtering of nontarget species, and that it is one of the most toxic chemicals known to man, thus posing a serious human hazard. None of this is true.

The primary orchestration of this conspiracy occurred in CEQ (MacIntyre 1982). It was so successful that without justification Administrator William D. Ruckelshaus banned 1080, claiming that imminent hazards were so great there was not time to hold a public hearing which, of course, would not have supported CEQ's claims. Why this sudden urgency? Compound 1080 had been in use for about 27 years. Compound 1080 and other predicides were banned on the basis of two emotional petitions by environmental groups playing the advocacy game, but these petitions contained no objective evidence against 1080. EPA stated the decision was also based on recommendations of the Cain Report (Predator Control-1971. S. A. Cain, et al., Report to CEQ and USDI, 1972, 207 pp.). It is now known that the 15 "Recommendations" in the Cain Report were not written or approved by the distinguished authors of the report. Also, the National Academy of Sciences - National Research Council withdrew joint sponsorship of the Cain Report study because the key individual in CEQ insisted on selecting the participants.

By EPA regulations it was impossible to appeal the decision after 30 days unless overwhelming new information could be developed. Most of us did not know about the appeal limitations, and so little 1080 was used in predator control that the manufacturers of 1080 were not about to pay the expenses of the appeal process. The Animal Damage Control (ADC) people in USDI were muzzled by their assistant secretary boss in Washington.

Let's take a look at the "evidence" EPA used to justify its highly irregular and indiscreet cancellation of all registrations of poisons (predicides) for the control of coyotes and, in particular, 1080. EPA was the final conspirator, for its cancellation of 1080 was clearly unjust and done without adequate or proper analysis and by not insisting that the USDI assistant secretary release the environmental impact statement concerning 1080 and coyote control. All the incriminating evidence against 1080 used by the EPA Administrator has proved to have been false or based only on hearsay without direct evidence.

It was claimed that 1080 had no antidote. This is true. Almost all acute vertebrate toxicants are without good antidotes, yet dogs poisoned with 1080 are frequently successfully treated symptomatically by veterinarians. Hazard--not toxicity--is the important consideration when evaluating environmental consequences of poisons. Compound 1080 is not the most toxic chemical known. Some of the most toxic pesticides, such as warfarin--which in the pure form is as or more toxic than 1080--may be actually one of the safest rodenticides as used. Since 1080 is used in such small amounts, after the powder is dissolved in water and diluted, its hazard, especially in baits, is then even less than many other pesticides used to control vertebrate pests.

Many claim, but do not document, that 1080 is an indiscriminate toxicant that magnifies or concentrates in the environment like DDT, and that its use has slaughtered large numbers of nontarget species and endangered species by either direct or secondary poisoning. It is possible to cause secondary poisoning with many toxicants, but there is no bona fide evidence of endangered species being killed by 1080, yet congressmen were falsely told by personnel from CEQ and USDI that 1080 had even exterminated a number of species in the U.S. (personal communication, Congressman John Dingell, 3/21/73).

Depending on how 1080 was used, there have been some other carnivores (but not populations) killed from eating 1080 bait. When all civilians in an Asian country had to use 1080 each year in rat campaigns, many dogs and cats were killed as a result of inexperienced homeowners using 1080. The hazard of 1080, when used as a rodenticide or predicide, is minor with birds, as they are much more resistant to 1080 than the target mammals. No endangered bald eagles have been killed by 1080, but eagles have been killed with thallium sulfate. It is practically impossible for another animal to be killed by feeding on the carcass of a coyote killed with 1080 unless it is another coyote cannibalizing it. In the proposed uses of 1080 it is very unlikely that any coyote could ingest so much 1080 that it would vomit, with the vomitus then being hazardous to another animal that might eat it.

The claim was made that continued use of 1080 would result in irreparable and incalculable losses, particularly of endangered species. No evidence was offered as to how this might happen. Of course, with high enough concentrations of 1080, it is possible to kill anything. The point is that, as used for coyote control, this claim cannot be substantiated. EPA's 1982 hearings exposed the falseness of the many charges against 1080.

Another statement against 1080 was that its use "conferred only ill-defined and speculative benefits." In 1971 and 1972, many in USDI and CEQ were inferring that most coyotes would not kill sheep, claiming they were only scavengers of sheep that had died from other causes. It has now been clearly shown that the coyote has put many livestock operators out of business and that coyote depredations are a serious economic problem (estimated at costing California alone nearly \$75 million a year).

Livestock operators favor the protection of wildlife but they cannot afford economic ruin of their livelihood by wild animals. They are just like the homeowners who do not tolerate wildlife living in their attics and garages or destroying their landscaping and gardens. If given free rein, native mammals would completely ruin our city parks and home gardens, because they are largely composed of exotic plants that have not evolved so as to coexist with many of our native mammals.

Many different methods of coyote control are needed because of the great diversity in coyotes and in the physical environment. The ecology of coyote depredations to livestock is highly variable in different situations. Control methods that do offer varying degrees of predator protection include herders, improved husbandry techniques, guard dogs, llamas, repellents, frightening devices, aversive conditioning with lithium chloride or other agents, electric fencing, gassing pups in dens, trapping, shooting, shooting from the ground or aircraft, hunting with dogs, snaring, and M-44s that eject cyanide. So far, at least in many parts of the west, no single or combination of these methods have been able to adequately protect livestock from coyotes (Dale A. Wade, "Impacts, incidence, and control of predation on livestock in the United States, with particular reference to

predation by coyotes." Council for Agricultural Science and Technology (CAST), Special Publ. 10, 20 pp. 1982). It is in these situations where 1080 is still biologically the most desirable approach because it can be used without adversely affecting the environment or creating much hazard to man and other nontarget species.

Dogs are the principal nontarget hazard that must be considered when using 1080 to control coyotes, but other carnivores such as badgers, skunks, and foxes, are vulnerable to 1080, so care must be exercised. Nontarget animals are largely protected by the way baits are formulated, lure used, season, and the manner in which baits are exposed in the field.

Why are coyotes a problem? They are fruitful and multiply, like to eat, and evolved as a predator that likes to attack fleeing prey, like a running sheep. Coyotes can cohabit--live together--in some areas with large numbers of people, unlike species such as grizzly bears, wolves, or herds of bison. One reason the coyote is often a pest is because it can adapt so well to these altered environments, even living as a commensal (living with man) predator and feeding on garbage, cats and small dogs.

During the last century, coyotes have greatly increased in total numbers and extended their geographic range from just western United States to all contiguous 48 states, north through Canada to Alaska, and south through Mexico and Central America to Costa Rica. The diet of the coyote is highly variable and includes rodents, rabbits, deer, berries, melons, etc.; however, many coyotes are also very effective predators of man's possessions. They often also readily kill cats, dogs, sheep, goats, poultry, cattle, etc.

The way coyotes attack the throat of sheep and cause them to suffocate is an innate, not learned, behavior. Coyotes have evolved as a predator that naturally attacks living prey. Coyotes kill and eat livestock in a very inhumane way, as do most predators, and sometimes get into a killing frenzy and kill far beyond their needs (surplus killing). Research has shown that it takes coyotes an average of 13 minutes, depending upon the amount of experience, to kill sheep after they attack them in the throat, and that they often eat the entrails before the sheep is dead. It is easy to verify coyote kills of sheep by characteristic canine puncture wounds and evidence of hemorrhaging present on the neck of the dead sheep. Thus, claims that ranchers cannot usually distinguish between coyote predation and the scavenging of a dead carcass are not true. Most coyotes cannot be successfully conditioned (aversive conditioning) so they will not kill sheep (or other species) by using lithium chloride or other aversive agents on a bait.

Since coyotes are high up on the food-web pyramid, they are not very significant ecologically. The primary producers and first layer of consumers are the important key to adequate recycling of resources in the environment. The convictions homeowners and livestock operators have regarding the beneficial or detrimental value of coyotes, and other wild animals, seem to be determined by the manner in which these animals affect them.

If you do not agree that poisons are needed to control coyotes, there is no point in discussing 1080 (sodium monofluoroacetate). But if you, like me, recognize that some coyotes still have to be poisoned, then let's constructively analyze the pros and cons of using 1080.

When Compound 1080 is ingested by coyotes, it is primarily absorbed through the gastrointestinal tract. The consumed monofluoroacetate, that is not eliminated in urine, is converted into fluorocitrate, the lethal synthesis that inhibits citrate metabolism. Some fluorocitrate is also eliminated in urine. That which remains in the body ultimately blocks the citric acid or Krebs cycle and can cause death. Applied vertebrate ecologists classify 1080 as a slow-acting toxicant in contrast to strychnine and especially cyanide.

In coyotes and other carnivores death from 1080 typically results from central nervous system disorders, with the animal presumably being unconscious prior to death since they often run blindly into walls and fences. Extreme pain has never been reported as a symptom in the many human suicides in Asia from drinking 1:30 rat poison, but pain in animals, unfortunately, cannot be measured. Just because 1080 is slow in taking effect does not mean it is less humane than faster-acting poisons. And, of course, in nature, no animal has a nice death, including the sheep disemboweled by coyotes.

Both 1080 and fluorocitrate are highly stable but decompose fairly rapidly in the soil. There are no really good antidotes for 1080 or any of the poisons used to control wildlife, except for anticoagulant rodenticides where vitamin K₁ is effective. However, since 1080 is slow acting, veterinarians have been able to save many dogs poisoned with 1080 with symptomatic treatment.

No one knowledgeable about 1080 denies that if it is used carelessly, 1080 can become lethal to all species, but there are no data that show that the proposed future uses of 1080 to control coyotes pose any significant effects on the environment, other than removing individual and highly localized populations of troublesome coyotes. There is no field evidence indicating that animals which consume a sublethal dose of 1080 may suffer deleterious effects such as occurred with thallium sulfate, which is now banned.

Many of the charges about the killing of nontarget species when poisoning coyotes with 1080 are biological impossibilities. Some people fail to recognize that the very principles of natural survival in wildlife populations, which enable them to escape the numerous dangers they constantly encounter, would make even their intentional control very difficult. Even if the objective was to poison all these other species, it couldn't be done. There are no recent data whatsoever that incriminate current animal damage methodologies of causing mass slaughtering of beneficial wildlife. Improper live-trapping and other research problems have probably killed more rare or endangered wildlife than the combination of all recent animal damage control practices.

If a chemical is to be used for coyote control, I contend that 1080 is by far the best chemical to use from the point of view of the welfare of the environment and safety. To oppose the consideration of new registrations of 1080, with adequate use restrictions that will be required before registration is granted, means you may be encouraging increased use of less-selective poisons to protect livestock. If anyone has reliable evidence of significant secondary poisoning by 1080, please share it with me. Also, if you know of a poison that is more desirable than 1080 for controlling coyotes, I would sure like to learn about it. Better yet, do you know of an effective nonlethal approach that has not been tested that could make poisons unnecessary?

Fremont County
Predatory Animal Board

P.O. Box 146 * Lysite, Wyoming 82642 * 307-876-2703

To: Congressional Hearing on Predator Control & ADC

Fremont County PAB would like to procure an aggressive predator control program that will give the ranchers and sportsmen relief from the record predator losses being sustained.

Coordination by the ADC with the BLM and US Forest Service personnel is an extreme concern because of the continual uncertainty and of ever changing Federal policies, the infringement of private property rights, and of the proposed rangeland reform.

1993 proved to be very costly to all livestock producers because of the limited assistance that could be performed on BLM and USFS lands.

at the bare minimum the Board hopes that the ADC personnel numbers can be held at the existing level of present on the ground workers.

It is the also the hope of the Board that with the aggressive assistance by the ADC that livestock producers can survive these extremely heavy losses and continue to stay in business.

If livestock producers go out of business, both local and state economies will suffer greatly.

Elvira Pab. Treasurer, Fremont Co. PAB

Mr. CONDIT. Thank you, Mr. Ellis. Mr. Sersland.

STATEMENT OF DEAN SERSLAND, PRESIDENT, DEAN'S SPORTING GOODS

Mr. SERSLAND. Thank you very much for inviting me. I feel kind of like an odd man out here, a little bit different type of business than most of these gentlemen. But most of these gentlemen are also my customers. I have a sporting goods store here in Casper. We sell numerous items in the outdoor sports and, for the most part, at least the Casper people I recognize as customers. So what hurts them hurts me.

The game in our State get hit just as hard as the sheep does in a lot of cases. We had a rabbit population 4 years ago. If you'd go out in the fields and hike around, you'd just about see a rabbit behind any bush. You just about knew what was coming if you had been up on coyotes. The coyote multiplication is going to get carried away in a hurry. The rabbit cycle is going down and the coyotes have nothing to eat but game or sheep, if the sheep are in the area.

I think everyone that's spoke here so far today has pretty well verified that's pretty much precisely what's happened. This year the game is getting hit real hard. The coyotes are still out there, but they don't have small game to eat. They, for the most part and in most parts of the State, prefer rabbits and rodents. I think this is pretty much a given.

But I want to read a few things that have come out of different publications to reiterate what I'm trying to say. A gentleman by the name of Stout, in 1982, compared white-tail in Oklahoma from 1977 to 1980. Doe-fawn ratios prior to intensive predator control were 37 fawns/100 does. Following the predator control, there were 94 fawns per 100 does; 37 percent versus 94 percent, obviously a tremendous improvement.

Arlington and Edwards, 51, getting a little old, but, nonetheless, it was a test that showed that antelope populations increased to a huntable level after 6 years of predator control. It's not something that can be done overnight in a lot of areas.

In 1975, in the spring and early summer, the Montana Department of Fish and Wildlife and Parks discovered that nearly every mule deer fawn that they had studied in the Missouri Breaks was eventually lost to coyotes, nearly every one. These are high percentages.

In Nebraska, a 2-year study was initiated, according to Carl Menzel, a Nebraska big game specialist. A 112 coyotes were removed from a 170-square-mile area—I'm going to try and cut this a little short—with 25 percent outside of this area survival rate of the fawns, 62 percent survival rate of the fawns in the area where they've taken out 112 coyotes.

In 1991, 88 coyotes were taken from another study. That increased the percentages from 35 to 58 percent. On a ranch in Texas, the study found that with coyote control, not eradication in any case here, we're all talking cutting the numbers down. With coyote control, the fawn success in the controlled half of the ranch increased by 500 percent.

Montana, they're talking basically the same thing. It gets into a little bit different end of it. Politics run game departments, not

sound wildlife management anymore. These are his statements. I don't feel that we here in Wyoming can 100 percent agree with that. I truly believe that we have the finest Game and Fish Department in the 50 States. That I believe as a fact.

So anything I might say here derogatory of the game and fish, bear that in mind. Mistakes might be made, but I believe ours is still the best going. We can help them. It goes on to say that if sportsmen want more game, they're going to have to holler for it. In Alaska, it's said that they manage their game 90 percent for the predator and 10 percent for the sportsmen.

I've been up there on a few occasions. I find that to be awfully close to true. This past spring, we had a—they felt they had a severe wolf problem. They felt they had the solution to it without eradicating anything and I'm sure you probably all know where that fell. So they're still sitting there on their problem of the predation on their wild sheep in that area, the Delta Valley area.

It's a tremendous problem they're having. And with the fear that's raised from the animal rightists and so forth, it's very difficult to do anything about it. The Minnesota Department of Natural Resources fawns account for 58 to 70 percent of the diet of the coyotes during the months of May, June, and July. It doesn't give the result on how many deer are left in the fall, but when 58 to 70 percent of the diet is fawns, we know it takes a toll.

Paul Burke, chairman of the board of Wildlife Forever, sums up his position well. Misguided people would have us believe that when left alone, nature automatically takes care of itself. But, in fact, only man has the capability to self-limit his predation. Animals don't stop killing when game populations are threatened or seriously depleted.

I think those are words well worth heeding. Many nonhunters and antihunters tend to resist the notion of reducing members of one species to benefit another, even though it strengthens the latter population and genetic makeup. I fail to see that. I guess it even makes me a little upset when anybody tells me that, that, well, we can't hunt coyotes because that is for the purpose so that you can hunt deer, and they say that's wrong.

As long as hunters can hunt deer, that's doggone well going to make sure there are deer here to hunt. It goes for antelope, deer, elk, moose, anything else. Hunters are what has propagated a lot of these animals. Hunters are what has seen to it that a lot of these animals have not become depleted, and right alongside the rancher in most of these cases and right alongside the hunger in most of these cases is the ranchers.

I think there's not a person in here today that is not a lover of nature and lover of animals and no one here would want to see anything depleted. I think it's kind of similar to how can we manage the trees for the lumber industry, the streams for the irrigators, the dams for the power industry, the parks for the tourist industry, and, yet, we don't seem to have the tools to manage some of the wildlife.

There is one tool that's doggone effective. Mr. Ellis brought mention to it, and that's 1080. If I say that, I'm liable to get darts in my back. 1080 is an effective tool. It was cut out of our system, in my belief, by phony testimony and I don't think that it ever should

have been taken off the market. I think it should be used with great discretion, but I think 1080 is at the very least worth looking at seriously; not in a pampering mode, but seriously.

With that, I would like to use that big green board over there for a very simple and elementary sketch, if I might.

Mr. CONDIT. Absolutely.

Mr. SERSLAND. Thank you, sir. Game and Fish in the State of Wyoming has, for as long as they've been existing, trying to keep the game at a constant number so as that they don't outgrow their carrying capacity. So much grass, so much game, no more.

Let us pretend that is the carrying capacity for the State of Wyoming game. We don't want to get too low because now we don't have enough game for the hunters, we don't have enough game to propagate the season properly. That's as low as we want to get.

Game and Fish runs their—they get a little high. Well, things got pretty good. Had a bad winter, things dropped. They might even drop below the line of objectivity for a year or two. But they jump up and down as things go with our own lives.

Now, mother nature can do this, too. She's been doing it for several million years. The difference between mother nature and Pete Petera sitting back here, she doesn't do quite as efficient a job in that it jumps and dives. The numbers are quite extreme. She very seldom lets things get more than so high they run out of food. Then things take a nose-dive to the point where they're almost extinct and now the food supply comes back again, so up they go.

The problem is there's 50 years in between those two peaks. Your children, your grandchildren are never going to see these critters living in this life span. When your great-grandchildren become of age, they're going to have them come out their ears, so many of them they won't even appreciate what they are, like we don't appreciate antelope the way we really should. It's a unique species in the world. I think you understand what I'm talking about.

But then once in a while things really get screwed up. This goes too far down off my chart. We can add a little bit to the chart, but that's not what happened. The animal became extinct and there's no bringing them back. Game and Fish, the people keep these animals in between this line and that line. Everything is going fine and the Game and Fish have good control of the deer and the antelope and they've got a count on the elk and they're going to issue this many licenses.

But here comes the coyote. Wildlife is wildlife and when they have no control over the coyote, he cruises along at will and he screws up the whole mess in here. He no longer can control the game and fish or the game as he should. So we're all the losers for it just because of one key element, that being the coyote.

If we say that the coyote is a real problem, I'm going to speak out of turn here, but this is my turn to talk, so I'm going to say it anyway. If we say the coyote is a real big problem for the Game Department, everybody is going to want Game and Fish to pay the whole bill. If we say the coyote is a problem for the A51, they're going to want the ranchers to pay the whole bill.

Now, in my business, nobody pays for nothing. I don't get subsidized, I don't get nothing. So I'm not privy to information as to how this thing works. I do know it has to work to make the world

go round. We'd probably all like to do away with it, but that's not the way it's happened.

The bottom line is this coyote is really throwing a clinker into Game and Fish's program. I live on the Game and Fish's program. This is how I make a living, a derivative of what they do. I think it's very plain that I have ever as much to gain by the coyotes not becoming a problem. I think I have seen enough proof, in my mind, to know they are a problem to me as much as they are to these three gentlemen sitting here and others in the audience. It's a problem that we need to address.

Thank you.

Mr. CONDIT. Thank you very much. I have just a couple quick questions and then I'll turn the rest over to Mr. Thomas. I asked the first question of the last panel. So if you just want to give me a brief yes or no, that's fine. If you have an explanation, that's fine, as well.

In your opinion, has the transfer of ADC to USDA been a good move? Has it made control more efficient or more bureaucratic?

Mr. STUCKENHOFF. I think it was a good move to make the change. So I would be in favor of that. The program, however, has run into problems. It is not doing what it's supposed to do, which is to control predators.

Mr. NUCKOLLS. Yes. I worked hard in the effort to get the transfer made because I felt that USDA would be more user-friendly to the rancher and be able to relate more directly to their livestock losses.

I think the problem, pretty simply, that we've run into here is that when we made that transfer, we separated responsibility and authority. This is what we're living with today. We have an agency that is responsible for something that they do not have the authority to do. If we can correct that, we can go a long ways toward correcting the problem that we're talking about.

Mr. ELLIS. Sir, I'd just reiterate the remarks of Mr. Stuckenhoff and Mr. Nuckolls. I was informed and followed the process pretty completely and closely at the time of the transfer of the part of agriculture and it made a lot of sense and it still makes a lot of sense.

But J.W. has struck the whole nerve core. They've got a job to do and they don't have the authority to be able to do it correctly. It's just that simple.

Mr. CONDIT. Mr. Sersland.

Mr. SERSLAND. I have not worked with the group, so it's not a pertinent question to me.

Mr. CONDIT. This question is for all and the same. If you've got a brief answer, fine. If you want to elaborate, that's OK. Coyotes apparently have figured out that most nonlethal types of control are not to be feared. Do any of you have any recommendations or suggestions for research on nonlethal methods that are promising?

Mr. STUCKENHOFF. I made a suggestion some time ago relative to nonlethal control and that was the introduction of an apportioned disease into male coyotes in areas where there are sheep and having that apportioned disease go through an area where they simply would not procreate. I think that I did receive a response from the ADC on that, that that idea had been considered and had been, I think, some problems involved, scientific problems

that I probably couldn't answer for to this committee. But I still think that that's the type of thing that we have to be looking for.

Mr. NUCKOLLS. I think we need to recognize foremost that if we're not talking about population controls of any one species, then we're effectively not talking about control. So this herein is where our problem lies. When those populations of the species that causing problems gets so large, it just sort of engulfs you.

Certainly, there is potential in sterilants as a means of controlling population for coyotes. How this will be perceived by the public is yet, I think, to be maintained.

But you recognize here that one of our main tools now is thinning, which is terribly labor-intensive and takes a high degree of professionalism. So it is tremendously expensive. And sterilants would take care of this phase that we're trying to use now as a method of controlling numbers.

There are a lot of problems, I recognize, involved with this, but this is the only thing that I see that's been talked about on the horizon at this point in time that could be a new issue. Since 1080 has been mentioned here a time or two and I pretty much have taken it out of my vocabulary in the last 10 years, but I think it's well maybe to state here that I don't think the public ever had a chance to recognize how 1080 was used by ADC and how professionally it was used, because it was used indiscriminately by some individuals because there were no restraints on it up until 1972.

But if, in fact, we would look at the history of how ADC handled 1080 and the strict controls that they worked under with it, most of the public would have no fear of that toxicant. This was totally overlooked in the rhetoric and the hysteria that was presented for animals.

Thank you.

Mr. CONDIT. Mr. Ellis.

Mr. ELLIS. Only a comment. I don't pretend to be a wildlife biologist. I don't really have any expertise at all. But I am a great believer in developing new techniques, technology and all the matters that go with it. I would, again, urge the continued funding of the Denver Research Center. They have good people. If they've got enough money, they can find things.

Maybe that doesn't sound like a very positive answer, but there are things that will happen. Thank you.

Mr. CONDIT. Mr. Sersland.

Mr. SERSLAND. Not a direct answer to your question, but I think taking the peaks off at least an intensive campaign to cut down the population due to the high—like 4 years ago, right after our rabbit population busted, that type of thing needs to be looked at hard to hit them at the proper time, if not nonlethal, then continual.

Mr. CONDIT. Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Chairman. I appreciate it. You've been an excellent panel. I won't take any time with questions. You've covered it, I think, very well and I do appreciate your coming. I suppose it's easier to identify the dollar loss, than the livestock loss. However, the wildlife and hunting is equally threatened and I'm glad that you are here. So thank you so much for coming.

Mr. CONDIT. I thank the four gentlemen. You've done the committee a great service and we appreciate that very much. Thank you.

If we may, I'd like to take panel three and panel four together. We'll take testimony from panel four and questions and then statements from panel and then questions, but I'd like for both panels to come up together, if I may.

Mr. Gentle, Mr. Petera, Ms. Rain, and Mr. Randall. Remain standing. Raise your right hand, please.

[Witnesses sworn.]

Mr. CONDIT. Let the record indicate everyone said "I do."

Mr. THOMAS. Mr. Chairman, these are also long time participants and experts in Wyoming affairs. Mr. Petera is the director of the Wyoming Game and Fish Commission activity. Someone else mentioned it's one of the best in the Nation and I agree with that, certainly. Mr. Gentle has fairly recently become the Commissioner of Agriculture in Wyoming, but has great background in that agency and other places, as well.

Mr. Randall comes from a background of wildlife and several experiences from Rock Springs. So we're glad to have you all here.

Mr. CONDIT. Why don't we start with you, Mr. Gentle.

STATEMENT OF BILL GENTLE, DIRECTOR, WYOMING DEPARTMENT OF AGRICULTURE

Mr. GENTLE. Thank you, Mr. Chairman, Congressman Thomas. Thank you very much for having me here today. I do think, in the interest of time, I'll just try to summarize my written testimony. You do have that.

I've personally been involved with predator control since 1974 and the Department of Ag has been involved all those years. My first experience was with the cancellation of 1080 and strychnine and sodium cyanide by EPA. I fought a lot of battles in that area.

I really wish I had a solution for you today for predator control. I don't. A solution is very, very difficult. I lived on the Fred Hageman ranch north of Shawnee for 5 years in the 1950's when I was a little boy. Mr. Hageman had sheep, two bands of about a 1,000 each. I remember very plainly Fred and Ruth coming and getting us kids out of bed at maybe 2 a.m. to hear a coyote howl. It was very unusual. I'm sure I never saw a coyote till the late 1960's.

We had coyote populations at very low levels in the late 1950's and early 1960's. It was done, I think, with a combination of toxicants, aerial hunting, trapping, professional programs. I think it might be nice to yearn for that simplistic solution. It's not there today. We just don't have easy answers today.

Livestock losses are at an all time high. In 1965, we lost less than 5 percent of our sheep and lambs to predators every year. Today, we're losing over 11 percent of our sheep and lambs every year to predators in Wyoming. That's a high number, but I think it's important to realize it's also an average over the entire State. Some people are losing 1 and 2 percent and perhaps that's acceptable. Lots of people are losing over 30 percent of their lambs. That's totally unacceptable.

We talked about predation primarily as a sheep industry problem and it's not. I know one rancher in Teton County who lost over 80-some calves last year to grizzly bears. That's a serious problem for him. I sure don't know what to do about eagles. Driving up today from Cheyenne, I saw five eagles just on the interstate between here and Cheyenne. There are lots of eagles in the State of Wyoming and they're eating a lot of lambs. I have no idea how we can handle the eagle issue. There's absolutely none the way the laws are written. It's a serious problem.

One of the things we've always done is we've talked about predator control. I talk about predator control continually and it's a habit I'm in. One of the things we have to start talking about is controlling predation. We get in the mindset that we're going to control predators. That means we go out and kill coyotes. We can't do that anymore. We have to start talking about controlling predation. It's a mindset. It's a way to look at the world, but we need to change.

Tom Nicholls talked about the IPM system. APHIS does use an IPM system. Integrated pest management has been very successful in our crop areas. It really began 10 or 12 years ago as a way to reduce pesticide use. It's become much more than a way to reduce pesticide use. It's a way to control pests.

APHIS does use integrated pest management. I think most of the people don't realize it. I think most of the people think APHIS is just out killing coyotes. I read in the paper almost every day how people are—the environmental community are demanding that ranchers use guard dogs. I think they're right. I think they're just quite a ways behind the times.

I think one of the growth industries today in Wyoming is raising guard dogs. It's hard to find sheep herds without guard dogs. We've always herded sheep. We always will herd sheep. We're going to have to continue to.

One issue that hasn't been brought up yet in testimony is aversive agents. There's been a lot of work done on aversive agents. The ear tags were obviously, I think, a fraud 2 years ago. I think there are still opportunities for aversive agents.

One of the most important documents that was ever published on predator control was the Leopold report and then the Cain report 20 years ago. They came up with a number of very creative recommendations for that time. One of the things that I think we made a mistake on when we read the Cain document is it recommended that we only take the problem animal. I think, in the long term, that was a mistake.

When populations get as high as they are today, we can't just take the problem animal. We have to control populations. I think the chart that was up here on the board is a real key to that. We showed how Game and Fish maintains populations of deer. We need to start talking about maintaining populations of coyotes.

Birth control was mentioned, reproductive inhibitors. It's a key area. I know Pete has some concerns about reproductive inhibitors. He'll tell you what they are. However, I think it's something we really need to look at. I think there are some opportunities there.

I don't want to ignore toxicants. Right now, we're using the M44. It's a good device. It's very selective for canines. It's also certainly the most humane method to kill an animal that I can think of. It's

very humane. When it's labeled correctly, when we put up our signs, we don't even have problems with dogs. It will take dogs very easily, domestic dogs. If signed correctly, we don't even have problems with that point.

Livestock protection collar. It's as selective for taking the depredating coyote as there is. There is absolutely nothing more selective—when the coyote grabs him by the neck, it makes the coyote dead, and that's not bad. I think we need to work on combining a couple of these things. If we could find a way to take cyanide and deliver it through the collar, we could be extremely selective and we could be extremely humane at the same time. I don't think it's that difficult and I know it's being discussed.

We use lots of nonlegal controls. We need to keep that—we need to tell the public perhaps of all the nonlethal things we're doing. That's herding. There's electric fences, frightening devices, structural habitat modification, capture and relocation, guard animals. All of the nonlethal controls are vital.

If it was totally up to me, we'd eliminate all the lethal controls. We can't do that today. It will not work. I think it would be a mistake to think in the short term that lethal controls are going to go away. I think they must remain in our arsenal or we're not going to get anywhere at all.

One of the things that Pete and I have just begun is we have put together a task force in Wyoming. It hasn't even met yet. We have people from the environmental community on it, from the game and fish community, from the livestock industry, to try to put together a statewide predator control plan, predation management plan.

I think the environmental community is willing to work with us. I think we have to put together a statewide plan and quite approaching this on a ranch-by-ranch basis.

I know the focus of your committee today is on the Animal Damage Control Program itself. We have a very good State director. We have a very talented professional staff. That's not a problem. I think they have the toughest job in USDA right now. Pressure from the public is tremendous. I don't know how they put up with it.

In Wyoming, our ADC people do a lot of other things than just worry about coyotes. We have worked very closely with them on rabid skunk control, rabid skunk issues. We'd just be lost without them. We have had some real serious rabid skunk problems in the Big Horn Basin. In Sheridan and Clairemont, we've had real problems with blackbirds and starlings. When we have those problems, it's not just a nuisance problem. It's a real public health issue.

ADC has been the only savior in that area. ADC has worked with Pete, again, on the black-footed ferret area, the reintroduction area for the black-footed ferrets, controlling predation. I think it's been one of the factors in the successful reintroduction of the black-footed ferrets.

Bucks are a real problem. We don't have adequate dollars. There's no doubt about that. The State has recently increased—in Wyoming, we fund predator control with a tax, a fee, and we just increased that fee from 60 to 80 cents. That's going to help.

The State puts quite a bit of general fund money into predator control. Right now, the government funds are about 50 percent Federal and 50 percent State. That does not take into consideration all of the extra dollars that ranchers are putting into predator control on their own. We have got to increase our funding somehow to get our program effective.

One of the issues that has caused problems to keeping our program effective are all the restrictions that are placed on the program. In the Cain report and the Leopold report before that, one of the things it called for was a professional staff to control predators. They did—those environmental groups, and those were very environmentally driven reports, insisted that predator control be done by professionals.

They were very concerned about each rancher doing their own predator control. Both Cain and Leopold were very well known wildlife biologists and their primary recommendation or one of their primary recommendations was a professional staff for predator control. I think that's very important today with all the restrictions.

If the government really wants restrictions to be followed, the only way those restrictions can be followed is by Federal standard. Research. We need a lot more research. I know ADC is working hard in the area. They spent tremendous effort and, I presume, millions of dollars just for registry of 1080 in the collar and the M44 device. All of that effort for registration was then not placed into research on new products.

We need work on reproductive controls. We need work on aversive agents, livestock management, genetic manipulation. There are a number of opportunities there.

Just to summarize, I do believe we have to continue with an integrated solution, IPM solution. We have to work on nonlethal agents, aversive methods, reproductive inhibitors, guard dogs, herding, those type of issues. I really think one of the mistakes we've made is we have not attempted to manage coyote populations with in their carrying capacity.

We would look and try to determine the carrying capacity for a geographical area or watershed or whatever, find out how many coyotes we can really carry there without being devastating to the livestock industry, without zapping all the wildlife, and start managing for those populations. I think it would make a real difference.

Right now, we don't even have a method to count coyotes effectively. At least in the foreseeable future, I think we're going to have to continue with lethal methods.

Thank you very much.

[The prepared statement of Mr. Gentle follows:]

Testimony before the
Information , Justice, Transportation and Agriculture Subcommittee
of the
Committee on Government Operations

Public Hearing , Overview of USDA Animal Damage Control Program

Bill Gentle
Director, Wyoming Department of Agriculture

April 22, 1994
Casper, Wyoming

It is a real pleasure to have the opportunity to testify before you today on the issue of predator control. The Wyoming Department of Agriculture has been actively involved in predator control issues for many years. State law designates my agency as the primary state management agency for predators, and I have personally been involved in predator issues since 1974. This has been perhaps the most controversial issue we have faced over the last 20 years, and unfortunately no one has been able to find solutions that are acceptable to the public and at the same time provide a level of control that is acceptable to the livestock industry.

I lived on the Fred Hageman ranch north of Shawnee during the late 1950's, and the Hagemans raised both sheep and cattle. I distinctly remember all of us kids being awakened one night to hear a coyote howl. The only reason I mention this is to point out that by the late 1950's, coyote populations were so low it was very unusual to ever hear one. These low populations were accomplished by a combination of a strong government program that included the use of poisons, and a relatively strong fur market. While today the simplistic solution may be to yearn for the 1950's, we must face reality.

Livestock losses today are at all-time highs. The Wyoming Department of Agriculture has been maintaining records of predator losses since 1965. In that year we lost about 4.75% of our sheep and lambs to predators. The loss rate is now over 11%.

The nation's sheep industry is in serious trouble. Predation is the focus of this hearing, but packer concentration, imports, public land issues and lack of new markets are also major problems. Each of these issues, including predators, has the potential to kill the sheep industry, and unless we address every problem, the industry will not survive.

However, predation is not just a sheep problem. The cattle industry is also suffering losses from coyotes, and grizzly bears are now a major problem for our ranchers in the Yellowstone area. I know that in other

parts of the country birds are devastating the aquaculture industry, and some bird species are also very hard on game fish populations in various parts of Wyoming. I know there are differences of opinion in the wildlife community over how serious predation losses are on both big game and game birds, but I think the differences lie not in the fact that predation occurs, but in what action, if any, should be taken to reduce losses.

We really don't have a good method to measure coyote population densities, but there is no doubt that populations are at extremely high levels. I drive lots of miles in this state, and it is not unusual to see coyotes along the interstate every morning and evening. A few years ago that was a rare occurrence. The people who work in the field will tell you that they have never seen so many coyotes.

Now I do know that all wild populations are cyclic, and the conventional wisdom in wildlife management is that the number of prey species controls the number of predator species. In other words, if there are a lot of rabbits and rodents, then predator populations will increase. At some point the prey populations will crash, probably due to a combination of disease, lack of forage and pressure from predation, and the crash of the prey species will then cause a crash of the predator species. It is my understanding that we now have very low levels of rodents and rabbits in most areas of the state, which is forcing the historically high populations of predators to seek alternative prey species (i.e., livestock and big game.)

Because of all the problems in the sheep industry, including predation, I think we are going to see a significant decrease in sheep numbers over the next couple of years. I certainly would like to have someone tell me what is going to happen to the predators if that occurs.

I think there are two potential scenarios. First, the standard biological answer is that coyote numbers will decrease as the prey decreases, so we could see a significant decrease in coyote numbers. However, I think a second scenario is much more likely to occur. The coyote is adaptable and he is an opportunistic hunter. I am not sure he is going to quietly die out. I believe just the opposite will occur. He will

increase predation on the remaining sheep and increase predation on wildgame species. In other words, the problem could get worse rather than better.

For many years we have talked about the need for predator control. The first step in any new approach is to begin to talk about controlling predation. In the past the public would accept killing predators, and we concentrated on controlling predators. However, we now need a new paradigm. We need to change our entire outlook on how we control predation.

There are a number of steps that we will need to address if we are to adapt a new paradigm. In our cropping systems, U.S. farmers have moved away from a general reliance on pesticides to a concept called "integrated pest management" (IPM). We need to develop an IPM solution for predation also.

First and foremost, we are going to have to find ways to prevent predation.

I read a lot of stuff in the letters to the editor pages of the newspaper telling "ranchers" that if they would only use guard dogs, their predator problems would be over. I could not agree with the writers more that guard dogs are important. However, these well-intentioned people are a few years behind the time. It would be difficult to find a sheep producer who isn't using guard dogs today, and yet predation is at an all-time high. Guard dogs make a difference, however, they are not the total solution.

Herding is a very traditional method of protecting livestock, and it will play a role in any IPM plan. Of course, obtaining qualified herders is certainly a problem. Herding helps, but it is no panacea.

One area that has received a great deal of talk is aversive agents, and while we have been unsuccessful in the past, this is an area that at least shows some theoretical promise.

I think one of the mistakes we made 20 years ago was accepting the Cain report's recommendation that only the "problem animal" should be taken. It is obvious that when populations get very high, just trying to take the problem animal is no longer workable. I think that when populations are high it is not just a few "problem" coyotes that are causing the problem. Coyotes are darn good hunters, and when a coyote is out hunting and comes across a sheep, that sheep is going to become coyote food. However, when coyote populations are low, then it seems obvious to me that perhaps a concentration on the "problem" animal is appropriate.

We need to take a pointer from the Game and Fish Department's obvious success in determining carrying capacity for wildgame species and managing for target populations. If we could determine what coyote population level was correct, then a number of techniques could be used to manage for that target. Predator control has somehow been characterized in the popular press as "wildlife slaughter", but at the same time the public seems to accept hunting as an acceptable method of regulating big game species. We could change some of the perception if we were managing a species to fit within its carrying capacity.

The suggestion to use birth control for coyotes seems to come up repeatedly, and I know there is a great deal of research in this field. This research is critical and must be continued. At some point we may find that lethal control is no longer acceptable at all.

I would be remiss if I ignored a discussion of toxicants. We presently have M44's and livestock protection collars registered in Wyoming.

The M44 is really a very good tool for taking coyotes. It is very specific for canines, and I think if you look at the use records you will find that almost no non-target species were killed. I would guess that the steel jaw trap is not as selective as the M44, and I know that the M44 is certainly the most humane method for taking coyotes. It can also kill domestic dogs, but we have really had very little problem along those lines when the proper signage is used.

The livestock protection collar is certainly the most selective method we have for taking a depredating coyote; unfortunately, we have had almost no use of the collar in Wyoming because of the many restrictions, and those restrictions are really related to the 1080 and not to the collar. If we could find a way to use a very fast acting and easily degradable chemical like cyanide in a collar, then I think we would have a very good control method.

Wyoming ADC uses a wide range of non-lethal control methods, including electric fences, various frightening devices, structural or habitat modification, capture and relocation, and guard animals.

I know that my personal preference would be that we could prevent depredation using only non-lethal methods; however, I do not want to leave anyone with the impression that I think that is a practical solution today. In cropping system IPM plans, pesticide use is almost always an alternative, and the plan specifies what threshold levels are necessary before a pesticide is used. At least in the foreseeable future, lethal methods must remain as an alternative or we will be unable to manage predation. I know that lethal methods seem to be very acceptable to the public for managing game birds and big game species, and I really can't see why lethal predator control methods would not also be acceptable.

I do know that any IPM plan that is developed will require the cooperation of a wide variety of people. In Wyoming we have just taken the first steps in developing a predation management plan. We are in the process of putting together a task force of individuals from both the ag community and the wildlife community to discuss the issues and develop a state wide predation management plan. We don't know when this will be finished but we feel very strongly that it is time to eliminate the rhetoric and find solutions.

The focus of this hearing is upon the USDA's Animal Damage Control program. We have a very good working relationship with our state director and his staff, and we are very pleased with the service that

they are able to provide. I think they have the toughest job in USDA. The pressure from some of the public is tremendous, and I really don't know how they cope.

In Wyoming ADC spends the majority of their time and effort on predation, but they also have a number of other responsibilities that most people are unaware of. We work very closely with ADC on rabid skunk problems, and their help has been invaluable over the last 3 years in the Big Horn Basin working on this issue. In Sheridan and Clearmont residents have had very serious problems with blackbirds and starlings roosting in urban areas, and populations are so large that not only were they a serious nuisance but posed a major health threat. Our Wyoming ADC people have also solved bird problems that were a threat to aircraft landing and taking off at airports.

While the majority of ADC's work is to protect the livestock industry from predation they also have done a great deal of work in the Black-footed Ferret area, and the success of that reintroduction effort is in part due to successful predator control.

Staff shortages are a real problem, and the new employee buyout is not going to help. I don't know where we are going to find the funds to adequately fund predation management, but we are going to need more money. The state has recently increased the predator fee from \$.60 to \$.80 per head, and that will help, but it is still inadequate. Right now about 50% of the funds for predator control come from the state and 50% from the federal government. I am concerned that if we lose any more federal funding, the entire program will collapse. It is imperative to the existence of the state's agricultural industry that federal funding be maintained, if not increased.

There are lots of restrictions placed on predator control today, and one of the most important guarantees that these restrictions will be followed is to have a federal agency oversee the program. In the 1970's the environmental groups were not happy with predator control, and one of the key points that they made at that time was that predator control should be done by competent, professional wildlife people. It was the opinion of the environmental groups at that time

that many of the problems were caused by individuals doing predator control work themselves, and that the federal government's involvement in predator control was preferred to predator control with no government oversight. I still agree with this assumption, and I believe that in general, ADC biologists can do a more professional job than can individuals.

While I know that ADC needs more money for on-the-ground work, it has an even greater need for additional money for research. As I have tried to point out, what we are doing now is no longer adequate, and we must find new methods to control predation. Research is the key. ADC has a number of very good scientists, but they are woefully underfunded. We need more research in reproductive controls, aversive agents, livestock management and genetic manipulation.

During the last few months there has been a great deal of controversy over predator control on BLM lands, and the entire issue revolved around completion of Environmental Assessments (EA's). Last year ADC was forced to operate under emergency restrictions, and while they were able to do their work, it was a very difficult time. I would like to point out that our state BLM Director worked very hard to resolve the problems, and I think that under the circumstances we did have as good a response from BLM as anyone could expect.

BLM has now completed the new EA's for the four districts in Wyoming, and they are in active force. Three of the four have been appealed, and we expect the fourth plan will be appealed soon. The Wyoming Wool Growers has petitioned the Department of Interior to let them intervene in the Worland District, and the State of Wyoming is presently preparing the briefs and other legal paperwork necessary to support the BLM in the other three BLM districts. We are optimistic that the EA's will be found adequate, and this should relieve at least one problem facing predator control.

To summarize, livestock losses from predators today are at all-time highs. Action must be taken or those losses will increase, endangering wildlife, livestock, our state's agricultural industry, and the rural way of life that our industry supports.

I recommend the following. We need to develop an IPM or integrated solution for predation. We need to exploit aversive agents and other methods for prevention, in addition to the use of guard animals and herding. We need to determine the carrying capacity for coyotes and manage their populations to fit that carrying capacity. We desperately need additional research, including methods of birth control and research on the use of toxicants that are fast-acting and easily degradable. Lethal methods must remain in our arsenal.

USDA's Animal Damage Control agency must continue to receive the funding and staffing to ensure the continuation of a professional, competent predator control program and a strong research effort.

In the past we have failed to reach out to the experts in other areas of wildlife management and ask them for their assistance. I really think that in the long run wildlife is as threatened as the livestock industry, but unless we try and work together and seek common ground all we are going to accomplish is to fuel the fires with our rhetoric and burn up the country.

Thank you.

Mr. CONDIT. Mr. Petera.

**STATEMENT OF PETE PETERA, DIRECTOR, WYOMING GAME
AND FISH DEPARTMENT**

Mr. PETERA. Thank you, Mr. Chairman, Mr. Thomas. It's a pleasure to be here today. Contrary to what Bill did, I'm going to read mine. The Wyoming Game and Fish Department has been involved in animal damage control in some form since our inception as an agency. We have one of the most all-encompassing laws in the country dealing with wildlife damage to private property.

So we're intimately familiar with the costs of damage to crops and livestock caused by wildlife. We have contributed to predator control since 1949 when the Commission allocated \$12,000 to the U.S. Fish and Wildlife Service trappers.

More recently, we have budgeted \$100,000 toward this effort on a yearly basis, with \$50,000 going directly to the Department of Agriculture, plus an additional \$50,000 to the areas where our personnel believe predator control is necessary to benefit wildlife.

In the years when there have been no such requests from our personnel, we have allocated the extra \$50,000 to a study designed to develop a method of estimating numbers of coyotes. It is our belief that if you cannot estimate the number of coyotes in an area, it's difficult to show that there's been control.

It is our understanding there has been coordination between ADC personnel and the Federal land managers. However, we also recognize we are dealing with changes in the attitudes of the public; not only within, but outside of Wyoming. There is a growing intolerance of widespread predator control and, in particular, the use of poisons.

Specifically, the lacing of carcasses with poisons such as Temic, which could possibly pose a grave danger to humans, is also a danger to the ADC program ultimately. Such practices can only lead to an end of animal damage control work on Federal lands. I think most people are in favor of controlling animals causing problems, but it has been our experience they are not in favor of indiscriminate shooting of animals without knowing whether the problem is being remedied.

There is no question that numbers of coyotes have been at a very high level since the fur price decline in the mid-1980's, but so have big game numbers in Wyoming. We have not seen a decline in big or small game that can be traced directly to predators. Currently, coyote hunters are telling us that numbers of coyotes have declined in some areas of the State, along with numbers of rabbits and big game.

This is a typical response when numbers of prey decline. Recent highly publicized coyote hunts in Wyoming were not successful in reducing predator numbers and may instead have further galvanized public opposition toward predator control. My department has removed offending animals and/or paid for damage caused by animals for which we were responsible, including grizzly, black bear, and mountain lion depredation upon livestock on public and private lands.

Much of the concern expressed now involves real or perceived depredation by the coyote, which is classed as a predator in Wyo-

ming. As we see it, there are several concerns that need resolution. First is documentation of actual losses. We've had a difficult time determining which animals have actually been killed by a predator and which have succumbed to some other malady, then were scavenged by a predator.

Digressing from my text for a moment, I would like to say that that's directly related to the fact that the Wyoming Game and Fish Commission paid for over 133 sheep at the bottom of a cliff, ostensibly put there by a grizzly bear.

Second is the taking of animals that are actually causing the losses rather than indiscriminately killing both livestock killers and/or scavengers. Third is showing control has occurred. In order to be effective, control should produce some sort of positive response. Numbers of predators should decline and losses should, too.

If such responses cannot be shown, it will be hard to convince the critics of animal damage control that there has been any real control.

Fourth is demonstrating cost effectiveness. What has been the cost of animal damage control and what has been the net gain in livestock produced? In the wildlife business, we have been unable to show that predator control is cost effective. Because rates of harvest of wildlife are relatively low, increases in numbers of fawns produced or adults saved from predation have not resulted in enough extra harvest or license sales to justify cost control in some cases.

Finally, any control efforts should involve as few nontarget animals as possible. Taking of nontarget animals inflames emotions, and contributes to increased opposition to all control methods. Where predator control is necessary, ADC results show that aerial gunning and M44s have been most effective in killing offending animals. I'm speaking, again, of recent years.

We've had good luck controlling problem bears and lions primarily because there are not that many of them, by issuing sport hunting license for trapping and removal. It is not a likely scenario for control of coyotes in Wyoming.

It may be that a very few instances of prized bird dogs being killed by M44s could result in loss of that technique on public lands. Bill has alluded to the signing. Let me address that particular part.

As far as we know, there are no better techniques now available. As was mentioned earlier, we're not all that much in favor of immunosterilants. Development of such agents and their indiscriminate use could pose a grave danger to the survival of other wildlife species and to the game management system that helped restore them. Ultimately, this may affect hunting and severely impact the wildlife recreation industry in Wyoming.

Although it's not in my prepared text, I'd like it also entered in the record that Governor Sullivan is also very much concerned with predator control in Wyoming, both from the aspect of livestock depredation and from the standpoint of wildlife depredation.

I appreciate the opportunity to be here today and thank you. I'll be glad to answer questions.

[The prepared statement of Mr. Petera follows:]

WYOMING GAME AND FISH DEPARTMENT

Mike Sullivan, Governor



Francis Petera, Director

Comments by Pete Petera, Director of Wyoming
Game and Fish Department before the Subcommittee
on Information, Justice, Transportation and Agriculture
Casper, Wyoming
April 22, 1994

The Wyoming Game and Fish Department has been involved with animal damage control in some form since its inception as an agency. We have one of the most all-encompassing laws in the country dealing with damage to private property by wildlife, so we are intimately familiar with the costs of damage to crops and livestock caused by wildlife. We have contributed to predator control since 1949, when the Commission allocated \$12,000 to U.S. Fish and Wildlife Service trappers. More recently, we have budgeted \$100,000 towards this effort on a yearly basis, with \$50,000 going directly to the state Department of Agriculture, plus an additional \$50,000 to areas where our personnel believed predator control was necessary to benefit wildlife. In years when there were no such requests from our personnel, we allocated that extra \$50,000 to a study designed to develop a method of estimating numbers of coyotes. It is our belief that if you cannot estimate the number of coyotes in an area, it's difficult to show there has been control.

It is our understanding, there has been coordination between ADC personnel and the federal land managers. However, we also recognize we are dealing with changes in attitudes of the public, not only within, but outside, Wyoming. There is a growing intolerance of widespread predator control and, in particular, use of poisons. Specifically, illicit lacing of carcasses with poisons like Temic, which can pose a grave danger to humans, is also a danger to the ADC program. Such practices can only lead to an end of animal damage control work on federal lands. I think most people are in favor of controlling animals causing problems, but it has been our experience they are not in favor of indiscriminant shooting of animals without knowing whether problems are being remedied.

There is no question that numbers of coyotes have been at very high levels since the fur price declined in the mid 1980s, but so have big game numbers in Wyoming. We have not seen a decline in big or small game that can be traced to predators. Currently, coyote hunters are telling us that numbers of coyotes have declined in some areas of Wyoming, along with numbers of rabbits and big game. This is a typical response when numbers of prey decline. Recent, highly publicized coyote hunts in Wyoming were not successful in reducing predator numbers and may instead have further galvanized public opposition toward predator control.

My Department has removed offending animals and/or paid for damage caused by animals for which we are responsible, including grizzly, black bear and mountain lion depredation upon livestock on public and private lands. Much of the concern expressed now

involves real or perceived depredation by the coyote, which is classed as a predator in Wyoming. As we see it, there are several concerns that need resolution. First is documentation of actual losses. We have had a difficult time determining which animals have actually been killed by a predator and which succumbed to some other malady, then were scavenged by a predator. Second is taking animals that are actually causing the losses, rather than indiscriminantly killing both livestock killers and scavengers. Third is showing control has occurred. In order to be effective, control should produce some sort of positive response. Numbers of predators should decline and losses should, too. If such responses cannot be shown, it will be hard to convince critics of animal damage control that there has been any real control. Fourth is demonstrating cost-effectiveness. What has been the cost of animal damage control, and what has been the net gain in livestock produced? In the wildlife business, we have been unable to show that predator control is cost-effective. Because rates of harvest of wildlife are relatively low, increases in numbers of fawns produced or adults saved from predation have not resulted in enough extra harvest or license sales to justify the cost of control. Finally, any control effort should involve as few nontarget animals as possible. Taking of nontarget animals inflames emotions and contributes to increased opposition to all control methods.

Where predator control is necessary, ADC results show that aerial gunning and M-44s are most effective in killing offending animals. We have had good luck controlling problem bears and lions, primarily because there are few of them, by using sport hunting or trapping for removal. This is not a likely scenario for control of coyotes. It may be that a very few instances of prized bird dogs being killed by M-44s could result in loss of that technique on public lands. As far as we know, there are no better techniques now available. We are not in favor of immunosterilants. Development of such agents and their indiscriminant use could pose a grave danger to the survival of other wildlife species and to the game management system that helped restore them. Ultimately, this might affect hunting and severely impact the wildlife recreation industry in Wyoming.

Mr. CONDIT. I thank both of you very much. I know you've been here for the entire hearing and we appreciate your presence and your participation in the hearing. Mr. Thomas.

Mr. THOMAS. Is there a conflict, Pete, between the kind of an approach that Bill talks about in terms of seeking to determine the appropriate level for coyote predators, coyote specifically, and what you're doing and what you're seeing?

Mr. PETERA. Mr. Thomas, the conflict that bothered me most of all was the immunosterilants and, of course, their transmission on to big game species. As you know, there are many individuals in this country who are opposed to hunting. So that concerns me.

The system that's been in use in the past number of years is not of that much concern to us in the Department. We actually, as pointed out or as I have pointed out, contribute toward the effort of predator control in Wyoming. There is no doubt that predators eat wildlife. I'm not saying that they do not have an effect on wildlife.

Our problem in Wyoming has been that we manage on a herd unit basis. And in the recent past, our figures, our numbers for wild game animals have been above objective. We've been trying to get those to objective. Therefore, it's kind of counterproductive to invent money in predator control when you're trying to reduce game populations to objective.

There is an issue before us of whether or not predation on wildlife is compensatory or additive. There are, quite frankly, some things we don't know the facts about completely. I do know from my own personal experience that predation does occur by coyotes on big game animals, but up to this point, we've been able to maintain our population objectives without becoming extremely concerned about that, except in isolated incidents.

Mr. THOMAS. We're here certainly as a congressional committee to see what you think we can do on the Federal level to either work more closely with your organization or help them to be more effective. What changes would you recommend if this committee could change the world? What would you suggest?

Mr. GENTLE. That's if I believe.

Mr. THOMAS. Yes.

Mr. GENTLE. I think the way funding in ADC is allocated nationwide is a problem, whether it's funded—how those original figures were developed, I don't know, but at least we in Wyoming feel that ADC in Wyoming isn't getting their fair share, recognizing the major political problems that ADC faces on the east coast with birds and aquaculture.

I think the most important thing that we can do right now—two things—get through the EIS process, get that out of the way, and, second, put money into research. If I had to put money in one place, it has to go into research, because I do not believe that 30 or 40 years down the road the public is going to accept even the level of lethal control we have today.

Mr. THOMAS. In research, at least at the university, you have basic research, which is just kind of looking for new things, and then there's applied research, which is aimed toward doing something. Do you sense that the research we're doing is directed to—

ward the problem we've spoken of here today or are just kind of doing research?

Mr. GENTLE. I really don't know. I have not been that close to the research effort. I know the tremendous amount of work they had to put into those registrations and that diverted attention from research. That issue is over, hopefully, although I presume it's maintaining on registrations or it will continue to cost us a lot of money.

Mr. THOMAS. That's a troublesome thing for me. I understand the need for research, basic research, and we do most of that in the Land Grant Colleges and I'm for that. But I think when we do agency research, it ought to be oriented toward results. Do you have any comment on what you would do if we could do whatever we wanted to? What would you have us do?

Mr. PETERA. Well, I think I've learned something here from listening to the previous testimony today. If one agency has the responsibility and the other has the authority, I think that should be corrected. I think that that would be a step in the right direction.

One of the problems I see and one of the problems that the landowner sees is the increased depredation that is occurring in the State. I think we need a way, in order to have society accept predator management, to have some hard and fast figures of what's out there. We need to have an agreed-upon objective for what we will allow there, and then we need to make exceptions for those places where a problem exists.

Mr. THOMAS. Thank you, gentlemen. Dick, do you want to wind this up here before we get blown away? It looks like there's a storm coming.

Mr. RANDALL. This is the end.

Mr. THOMAS. You're the wind-up.

STATEMENT OF DICK RANDALL, FIELD CONSULTANT, HUMANE SOCIETY OF THE UNITED STATES

Mr. RANDALL. I was going to say thank you, Mr. Chairman, but Mr. Chairman is not here.

Mr. THOMAS. I'll thank him for you.

Mr. RANDALL. Thank you, Congressman Thomas, for inviting us. I'm going to cut mine fairly short. I hope all of you people who don't know about what the Humane Society of the United States believes as far as animal damage control will pick up a copy over there on the desk.

Mr. THOMAS. And your full statement will be in the record.

Mr. RANDALL. OK. Well, the Humane Society of the United States is the Nation's largest animal protection organization, with three regional offices in the United States. I appreciate the opportunity to testify today on behalf of more than 1.9 million members and constituents, particularly the 2,300 who reside in the State of Wyoming.

Despite what a lot of people will tell you, the HSUS does not now support the abolishment of animal damage control. No way do we do that. We stand with the vast majority of Americans in condemning some of the previous practices, some of the poisons and things that have gone on, but we do not believe that Americans or wildlife

would be best served by total abolishment of the Animal Damage Control Program.

Now, there are three major reasons why we do not support abolishment of ADC. First, we believe that in the absence of the Federal program aimed at assisting livestock producers, those who have predation problems, some producers may attempt to control predator populations themselves with resulting wildlife tolls greater than even that of the current program.

In some cases, for instance, we believe attempts to prevent or reduce predation would lead to the illegal use of pesticides and we've had quite a bit of that occurring over the last couple of years. It's been documented by the Fish and Wildlife Service Management Enforcement people.

Second, portions of the current ADC program serve as an important function, which has been mentioned. For instance, the ADC program in the eastern United States functions, in large measure, as an educational and technical assistance program by providing advice and assistance to homeowners, farmers, managers of public property, and others in preventing conflicts or solving them once they have started.

This service, which depends far less on killing wildlife and on protecting property and, thus, preventing or reducing damage, is very important and, in our view, can be a wise and legitimate use of Federal tax dollars.

Last, the HSUS recognizes that in some limited circumstances, lethal control of specific offending animals may be necessary. For instance, when livestock losses to coyotes continue at an unacceptable level despite the use of appropriate nonlethal husbandry techniques, such as Mr. Stuckenhoff talked about, hiring more herders, putting fences around the sheep at night when bedding them, and still having unacceptable losses to coyotes, then lethal control may be necessary.

And we believe it's important that there be individuals who possess the knowledge and expertise necessary to identify and—you can't say the individual animals, but certainly work in the area where predation is occurring, because you certainly have a much better chance of taking out the offending animal, and certainly not all coyotes prey on livestock.

Another thing is we believe that abolishment of the Federal ADC program would result only in the establishment of multiple State wildlife damage control programs. We're talking a whole lot about public land here and Forest Service and we believe that the government should have a lot to do with this.

We think that coordination between Federal land management agencies is, indeed, critical to the conduct of safe, effective, and publicly acceptable ADC activities on public lands. However, we have some problems. For instance, the Forest Service NEPA responsibilities have been assumed by the ADC program and BLM continues to fulfill NEPA responsibilities for ADC activities on its land.

Now, just now, the Forest Service is being sued because it's turned over all ADC responsibilities to APHIS, Animal Damage Control. We feel that the Forest Service and the BLM certainly

should involve APHIS much more in writing environmental assessments.

There's a whole lot of things that APHIS can do as far as documenting losses to predators, environmental effects of control, on and on and on, but I think that the Forest Service and the BLM should have the bottom line as to whether to OK what APHIS proposes or not. After all, they're the manager of the land.

We've had quite a bit of talk today about banning 1080. Several people have talked about that. I was with the Service when thalium sulfate was taken out and 1080 replaced it. It's said that this was a very selective poison. Well, as far as the laboratory in Denver that did research on this, they did an excellent job. In the field, it was entirely different. We have minute amounts of 1080 that we injected into carcasses, carcasses such as a sheep that was freshly killed or a horse that was shot and chopped up.

Now, I want to furnish the subcommittee some of the things from my files that the Fish and Wildlife Service told us about 1080, how to do it in the field. These won't be my statements. These will be statements that they made.

How much do you inject in a carcass? Well, to start with, you kill a sheep and how do you decide—it's very critical how much 1080 you inject in this animal. So how do you tell how much the sheep weighs? Well, you hold it up and if you've got six different people out there holding up a sheep, you're going to get a whole lot of different guesses as to the weight.

One thing that they did not tell us at all was to deduct 40 to 44 percent of the animal's weight from the carcass because this was nontreatable parts. That was the bones and the hide and the hooves and things like that.

Further, 1080 will not penetrate membranes. So when we shot the 1080 into the carcass, we had hot spots you wouldn't believe and we were over-treating 2 or 300 percent. So we killed everything that fed on these carcasses.

Now, it wasn't until, I think, 1967 that Fish and Wildlife came out with a letter to us that said trappers should be furnished with a set of scales to they can weigh these animals if they're treating with 1080. Not until then. And in the same letter, they said a portion of a carcass is not treatable. How much, 40 to 44 percent of the carcass is not treatable.

So if you look back at the mentality of people who governed 1080 in the field, I think you'll find that we don't want that kind of people anymore.

I'm going to cut this short, if you have any questions.

[The prepared statement of Mr. Randall follows:]

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TESTIMONY PREPARED FOR
THE UNITED STATES HOUSE OF REPRESENTATIVES
INFORMATION, JUSTICE, TRANSPORTATION AND
AGRICULTURE SUBCOMMITTEE
OF THE
COMMITTEE ON GOVERNMENT OPERATIONS
SUBMITTED BY DICK RANDALL

APRIL 22, 1994

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TESTIMONY OF DICK RANDALL

Submitted to the
Subcommittee on Information, Justice,
Transportation and Agriculture
of the House Committee on Government Operations

April 22, 1994
Casper, Wyoming

Thank you, Mr. Chairman, and Congressman Thomas, for the opportunity to submit to the Subcommittee the views of The Humane Society of the United States (HSUS) on the federal Animal Damage Control Program. I am Dick Randall, Field Consultant for The HSUS, based in Rock Springs, Wyoming. I was for ten years a federal predator control agent, employed by the ADC Program when it was an agency within the Department of the Interior's Fish and Wildlife Service. Since leaving the ADC Program in the early 1970s, I have closely monitored the Program's continuing efforts to control the livestock losses caused by livestock predators through affiliations first with Defenders of Wildlife and now with The HSUS.

The Humane Society of the United States is the nation's largest animal protection organization, with regional offices throughout the U.S.. We have major programs for protecting companion, farm and laboratory animals as well as wildlife. I appreciate the opportunity to testify today on behalf of our more than 1.9 million members and constituents, particularly the 2,300 who reside in the state of Wyoming.

We have been asked to address a number of issues pertaining to the management of the Animal Damage Control Program: The HSUS' general views on ADC; the coordination of its activities with other federal agencies, and, as related issues, funding and personnel levels for the Western Region and the resolution of wildlife damage problems on federal and state-managed lands; and, the completion of the Final Environmental Impact Statement for the ADC Program.

GENERAL VIEWS OF THE HSUS ON THE ADC PROGRAM

The history of the ADC Program is one which undeniably is characterized by the indiscriminate destruction of wildlife aimed at the eradication of species. In some cases, such as with the gray wolf and grizzly bear, the Program, aided by the ever increasing expansion of human activities in wildlife habitat, very nearly succeeded. The wholesale war against wildlife that was waged during the 1940s, '50s and '60s earned the ADC Program a reputation for wanton destruction of wildlife that it may never overcome.

Despite its abhorrent history, The HSUS does not now support the abolishment of the ADC Program. Although we stand with the vast majority of Americans in condemning the practices and poisons of the past, and continue to demand that the policies and practices of the current ADC Program improve substantially, we do not believe that Americans or our wildlife would be best served by the total abolishment of the ADC Program. On the other hand, we believe that Americans -- especially and ironically livestock producers -- are not well-served by the ADC Program as it currently operates, particularly in the West. I would like to address these issues one at a time.

The HSUS does not support the abolishment of the ADC Program for several reasons. First, we believe that, in the absence of a federal program aimed at assisting livestock producers with predation problems, some producers may attempt to control predator populations themselves with a resulting wildlife toll greater even than that of the current program. In some cases, for instance, we believe attempts to prevent or reduce predation would lead to the illegal use of pesticides in livestock carcasses for the purpose of attracting and poisoning coyotes. As past instances of such illegal baiting have shown, there is a serious risk that illegal use of legal pesticides could kill a large number and wide variety of wild animals.

Second, portions of the current ADC Program serve an important function. For instance, the ADC Program in the Eastern United States functions in large measure as an educational and technical assistance program by providing advise and assistance to homeowners, farmers, managers of public property and others in preventing wildlife conflicts or solving them once they have started. This service, which depends far less on killing wildlife than on protecting property and thus preventing or reducing damage, is very important and, in our view, can be a wise and legitimate use of federal tax dollars.

The HSUS recognizes that, in some limited circumstances, lethal control of specific offending animals may be necessary. For instance, when livestock losses to coyotes continue at unacceptable levels despite the use of appropriate non-lethal/husbandry techniques, lethal control of individual depredating animals may be necessary. We believe it is important that there be individuals who possess the knowledge and expertise necessary to identify the individual animal(s) most likely to be

causing losses and to kill them in the most humane manner possible. The ADC Program is the only federal program employing such individuals.

Finally, we believe that the abolishment of the federal ADC Program would result only in the establishment of multiple state wildlife damage control programs.

That The HSUS is not now demanding the abolishment of the ADC Program by no means indicates that we are satisfied with the Program as it currently functions. We believe that this Program must be changed if it is to effectively assist livestock producers with losses to predators and if it is to achieve the public acceptability critical to its continuation. The following section details the changes which we believe the Program must adopt if it is to achieve both objectives.

ADC ACTIVITIES ON WESTERN PUBLIC LANDS

In late 1992 and early 1993, The HSUS conducted a survey of districts managed by the Bureau of Land Management (BLM) to determine the extent to which the districts were complying with the requirements of the National Environmental Policy Act (NEPA) with regard to the preparation of environmental assessments of predator control plans. This survey revealed that a number of districts were permitting the conduct of predator killing in the absence of adequate and updated NEPA documents. As a result, The HSUS filed appeals of eight district predator control programs, including those of the Casper and Rawlins Districts in Wyoming.

Since the resolution of these appeals, The HSUS has concentrated much of its effort in this regard on monitoring the compliance of BLM districts with NEPA. We

have commented on dozens of scoping statements and draft environmental assessments (EAs), and have had numerous meetings with BLM officials regarding the adequacy of NEPA documents. To the extent possible, we have also monitored and assessed NEPA issues vis-a-vis the conduct of predator control on lands managed by the Forest Service (FS).

As a result of our involvement in these issues, The HSUS believes that coordination between federal land management agencies is indeed critical to the conduct of safe, effective and publicly acceptable ADC activities on public lands. However, such coordination is not occurring. For instance, the Forest Service's NEPA responsibilities have been assumed by the ADC Program while the BLM continues to fulfill NEPA responsibilities for ADC activities on its lands.

The HSUS believes that authorization of predator control activities must lie with the agency on whose lands such activities will occur. We are therefore seriously concerned about the FS' abrogation of its NEPA responsibilities. First, the FS, not the Animal and Plant Health Inspection Service (APHIS)/ADC, undeniably is the best agency to assess the potential effects of predator control activities on lands it manages. In addition, by assigning to officials of the ADC Program authority for preparation of EAs and Findings of No Significant Impact/Decision Records and for the approval of these documents, the public effectively is denied its right to appeal predator control decisions with which it disagrees, as APHIS/ADC has no formal process for appeals of administrative decisions. Indeed, a lawsuit has been filed against the FS for its transfer of NEPA responsibilities; that case is now at the district court level.

It is our understanding that the BLM is also considering transferring its NEPA responsibilities regarding authorization of ADC activities to APHIS. We believe that such an action would also provoke a lawsuit for similar reasons.

That said, however, The HSUS recognizes that NEPA compliance vis-a-vis authorization of ADC activities is an increasingly heavy burden for the Bureau of Land Management and the Forest Service. We therefore support the shift to APHIS/ADC of a large measure of the burden for environmental assessment preparation, such as assessing evidence of need for a predator control program, analyzing cumulative, direct and indirect impacts and providing estimates of populations of affected species, provided that ultimate authority for the authorization of the proposed ADC program remains with the land management agency. To this end, we believe that the FS and BLM should work closely, along with APHIS/ADC, to develop consistent guidelines for the conduct of predator control for the benefit of public land livestock permittees.

The HSUS recognizes that the ADC Program, as it currently operates, does not have sufficient funds to allow it to easily assume a greater role in NEPA compliance. We believe, however, that were the ADC Program to focus its efforts on providing assistance to livestock permittees in using non-lethal and husbandry techniques to prevent or reduce livestock losses, and conducting lethal control only for those producers whose legitimate efforts to manage their own predation problems had failed to reduce losses to acceptable levels, it could do substantially more with the budget it currently has. Such a system of shared responsibility has effectively managed livestock predation in Kansas for many years. This program costs only about \$100,000 a year --

about one-tenth the FY92 federal allocation to Wyoming -- yet is extremely effective. Despite one of the highest populations of coyotes in the U.S., losses of livestock to coyotes in Kansas are -- year after year -- very low.

The ADC Program must change its focus from one of killing wildlife to one of helping livestock producers reduce their losses, from one which subsidizes inferior livestock management to one which recognizes and responds to the use of appropriate predation prevention techniques. We believe that the procedures outlined above would enable the ADC Program to accomplish this and more within its current budget. The adoption of such a program would provide livestock producers the vital assistance they need in reducing predation at a level well within the Program's current budget, thus freeing funds needed for APHIS to assume a larger role in NEPA compliance following guidelines and procedures adopted by the BLM and FS.

COMPLETION OF THE PROGRAMMATIC EIS

Since the transfer of the ADC Program to the U.S. Department of Agriculture in 1986, The HSUS repeatedly has urged the ADC Program to expedite its preparation and publication of an EIS.

As this Subcommittee no doubt is aware, the Final Environmental Impact Statement (EIS) for the Animal Damage Control Program currently is being distributed. Following receipt of public comments, APHIS/ADC will prepare and issue a Record of Decision which sets out the structure of the ADC Program for the next several years. An adequate programmatic EIS that honestly and adequately assesses the impacts and effects of the full range of ADC activities, including Western predator control, is badly

needed. The availability of such a document would help to relieve the BLM and the FS of the burden that EA preparation becomes in the absence of the national-level EIS.

The HSUS believes that the Draft, Draft Supplemental and now the Final EIS are grossly inadequate documents. Although our review of the Final EIS is incomplete at this time, we believe that it suffers from many of the same inadequacies of the Draft and Supplemental Draft documents. These documents fail to demonstrate a need for the program proposed in the EIS. In addition, the documents fail to prove that killing large numbers of wildlife reduces the damage wildlife sometimes causes. Moreover, the assessment of risks attendant to predator control is based on the false assumption that some level of risk is acceptable because the conduct of the Program effectively reduces damage. Like its predecessors, the Final EIS is filled with sweeping generalizations and summary assertions that it does not, and cannot, support.

The HSUS is seriously concerned about the possibility that a Record of Decision will be released that selects as the Proposed Program the "Current Program Alternative" as described in the Final EIS. We believe that the EIS neither supports nor justifies a decision to continue the current program, and that these and other flaws of the Final EIS are sufficient to support a legal challenge. In the absence of a finalized and legally adequate EIS, the burden that the BLM and the FS currently bear with respect to EA preparation will continue. While it is in these agencies' interest for there to be a finalized EIS, it is not in their interest, nor that of the public's, for an inadequate document to be finalized. Along with Congress, a number of federal agencies, and many

organizations and members of the public, The HSUS awaits an adequate and honest EIS that will put an end to the years of uncertainty and speculation.

Again, thank you for the opportunity to have presented the views of The HSUS on the issues on which Congressman Thomas requested comment. I would be happy to answer any questions members of the Subcommittee may have.

Mr. THOMAS. All right, sir. Thank you very much. While I'm thinking of it, let's let the record show that June Rain was here, was invited and intended to participate, but had to go to another meeting and was unable to stay. She represents the Wildlife Federation. So if she has a statement, we'll be glad to put it in the record.

Dick, there seems to be a little inference in your view in terms of managing predator levels as opposed to offending individuals. Do you subscribe to the idea that there ought to be some effort to hold levels of coyotes, for example.

Mr. RANDALL. Well, I have a question for the biologists. In 1993, in the spring, we saw in the newspaper that, I think, Governor Sullivan and ranchers and others told us that predator populations had exploded.

Now, we know that deer and antelope populations fluctuate up and down, but I have a lot of people ask me how does this happen that the predator population could explode. I have no answer for it. I think this is detrimental to their cause in telling people something like this because it makes them look rather foolish.

But as far as population control, we've been trying that for so many years. I know in 1971-72, we had one of the toughest winters I can remember for a long time. We had the gullies snowed in, the sagebrush snowed over. We had three aircraft operating out of Rock Springs, WY, each going a different direction, all three Supercubs, killing coyotes.

I killed 42 or 44 in 6 hours on the adobe town rim, 1 day. I had nearly 300 for the month. But the other aircraft were just as good as I was in killing coyotes. The next spring, when it came time to go denning around the first of April, we had trouble finding a coyote track. We had knocked the hell out of them.

According to my diary, ranchers were reporting about the same level of losses they had to predators the year before or even a little bit higher. So evidently the bad coyotes were hiding under the snow and we didn't get them or there's a bit of exaggeration here.

Mr. THOMAS. So as Pete suggested, it's a difficult thing to catalog the numbers. Is that what you're saying? To know what the population is.

Mr. RANDALL. Absolutely. And it's very difficult, I think, to do what they call preventive control, which is more—it's a war on the species. You take huge areas and go out with helicopters and fixed-wing aircraft and kill all the coyotes you can, which has never worked.

Mr. THOMAS. Sort of a paradox, though. The Game and Fish controls numbers so that there's enough feed and so on. The land managers control the number of livestock, but if you're going to let the third party just run at random, then you've got a little trouble there.

Mr. RANDALL. We don't propose letting it run random. Any rancher that tries preventive controls, nonlethal controls, that is still having problems, of course, let's try and help solve their problems.

Mr. THOMAS. Thank you. Just one other comment. You said that you resist moving the permitting and studying process entirely over to ADC away from Forest Service, away from BLM.

Mr. RANDALL. I think they should be the one that puts the EA together as to what they want to do. What they determine should be done, Forest Service and BLM. But Forest Service and BLM should have the final say, since they are the managers of the land.

Mr. THOMAS. They're not the managers of the wildlife, though, or are they?

Mr. RANDALL. Well, habitat is the bottom line and if you kiss off habitat, kiss off the wildlife. So they are somehow managers of the wildlife.

Mr. THOMAS. I'm sure. But the Game and Fish—the State manages the wildlife on the BLM land, basically. Thank you so very much. We really do appreciate all of your participation. I think it's a basic problem, of course, and, obviously, the commodity folks feel the problem perhaps first and maybe more personally, but it isn't just that.

It is a question of having a balance in this whole use of lands and how integrated they are between private and public. I guess, again, our purpose here is to see what we can do to help ADC be able to accomplish their mission. I think their mission is pretty well defined in the law.

As usual, I think perhaps there's a little too much bureaucracy that goes on. I don't know how you get away from that in the Federal Government. There are too many agencies that have legitimate responsibilities, I suppose, but that doesn't work very well. It seems to me that's a part of the problem here.

Funding is, of course, another one of the reasons why we're here. The funding proposal is below where it was last year by a fairly significant amount for this agency and for Wyoming, at a time when at least one of the problems as a result of this is greater than it has been in the past. So that's why we're here.

Thank you all for your participation and thank you for coming. We're adjourned. Thank you.

[Whereupon, at 4:20 p.m., the subcommittee adjourned, to reconvene subject to the call of the Chair.]

APPENDIX

MATERIAL SUBMITTED FOR THE HEARING RECORD

MAY 26 '94 15:23 GYC

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Predator Project POB 6733 Bozeman, MT 59771 406-587-3389 (Phone/Fax)

Protecting Imperiled and Other Predatory Species as an Ecological Rallying Point for Ecosystems Protection

May 26, 1994

To: Ed Armstrong, Majority Professional Staff Member
House Government Operations Subcommittee on Information, Justice,
Transportation and Agriculture

From: Tom Skeeel, Director

RE: April 22nd Subcommittee in Casper, Wyoming on the transfer of lead agency
responsibility for NEPA analysis of the Animal Damage Control program on
BLM lands

Faxed To: 202-225-2445

Ed,

A quick introduction is in order. I have enclosed a copy of pertinent parts of Predator Project's brochure in order to give you a sense of who we are and what we do. I'll only add to the contents of the brochure that I have personally been involved in monitoring the Animal Damage Control (ADC) program since the spring of 1990, and that since its inception in the winter of 1991 Predator Project has played a leading role in bringing the ecological, animal welfare and economic problems associated with the ADC program to the attention of the American public and Congress alike.

I was just informed by the Subcommittee office that you are the person to whom I need to address this letter concerning the proposal to transfer the lead agency responsibility of NEPA analysis of Animal Damage Control-conducted predator control on BLM lands from the BLM to APHIS/ADC. Unfortunately, I first heard about the hearing in Casper when a Predator Project support from Wyoming sent us a press clipping on the hearing. I would have greatly appreciated the opportunity to provide Congressman Condit and Thomas our views on the matter.

The accompanying article from our Spring, 1994 newsletter outlines the gist of our concerns regarding this proposal. I understand that Dick Randall spoke at the hearing on behalf of the Humane Society of the United States (HSUS). Although I am unaware of Dick's testimony, I do know that, after talking with Susan Hagood of HSUS, Predator Project is probably in close agreement with HSUS's stance on this.

Predator Project does not support this lead agency transfer for reasons outlined in the article: primarily because 1) we want the BLM to retain its ability to adequately critique or challenge ADC's proposals and data, 2) we want the BLM to retain final say on what occurs on the public land over which they have jurisdiction, and 3) APHIS does not have an appeals process adequate enough to allow for the public's thorough recourse on bad decisions.

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However, I am aware that both APHIS/ADC and the BLM are in support of this proposed transfer. I am not surprised by either position, as the transfer allows ADC greater autonomy over their controversial work, and the BLM rids its hands of the bloody mess the issue of government-conducted predator control has become.

Given the support of both the BLM and APHIS/ADC for this transfer, it may be a moot point as to whether or not opposition from Predator Project, HSUS or others from the growing public who are frustrated by ADC's work on our public lands would be enough to stop it. I would still hope that the collective concerns of those who oppose the transfer would be fully taken into account when the Subcommittee and others decide upon the merits of this transfer.

If indeed the transfer does occur, we would ask that the BLM retain some authority over the final decision outlined in a given NEPA document, and that the agency is given the authority and funds necessary to adequately critique ADC's data, monitor ADC's activities, and enforce whatever restrictions are placed on ADC's program on a given BLM District.

With all of this said, I am interested in the status of this proposal. Is the Subcommittee still deliberating over the proposal, or has the Subcommittee already decided one way or another on it? I would appreciate hearing from you at your earliest convenience, or I will give you a call sometime at the end of next week.

One final note. I have sent, by first class mail, two reports which I think you should know about and have for your files. One report is titled "Waste, Fraud and Abuse in the U.S. Animal Damage Control Program," and it provides a chilling number of examples of how ADC's work in the west has led many of us working to establish some level of reform on the program to consider it a rogue operation. The other report is titled "Audit of the USDA Animal Damage Control Program. I was actively involved in developing the former (which was published by the Tucson-based Wildlife Damage Review), and both Predator Project and Wildlife Damage Review commissioned the second report.

For All Things Wild And Free,

Jon Steel

The Problem

It has been said that by the year 2000, the only animals left on the planet will be the ones we humans allow to survive. Predator Project is a nonprofit organization dedicated to ecological disaster that such a statement foretells. In an effort to help avoid such a scenario, Predator Project focuses its conservation efforts on the most critical of the natural world.

Why focus on predators, and why the concern with conservation? When we think of predators, we think of the one animal which preys on another. But in the natural world, one animal may prey on another in a way that is not necessarily harmful. For example, a predator may kill a prey animal, but the prey animal may be a pest or a disease vector. In such cases, the predator is actually helping the ecosystem by removing the pest or the disease vector. This is why we focus on predators. They are the natural world's garbage men.

As for our concern with predators, can only one look at the ecological effects of most predator species to know that something is wrong. Among wildlife species, predators have probably suffered the worst setbacks as a result of human activities. Populations of large and medium-sized carnivores have declined as a result of:

- 1) poaching and fragmented habitat due to the destruction of wilderness;
- 2) predator control due to competition with livestock and game landings interests;
- 3) excessive trapping and hunting;
- 4) unintentional and illegal killing.

The cumulative impacts of these factors have caused some predators to become either extinct or endangered, others to teeter on the brink, while the remainder face an increasingly difficult situation. Present day examples of these threats are easy to come by.

The Grizzly Bear Recovery Plan calls for the USFWS to trap and relocate bears between limited "hazard" populations for the purpose of augmenting population numbers. This is a very expensive and controversial program. The plan calls for the removal of bears from their natural habitat and the relocation of bears to areas where they are not needed. This is a very expensive and controversial program. The plan calls for the removal of bears from their natural habitat and the relocation of bears to areas where they are not needed.

What is the Predator Project?

Our aggressive activities include researching the policies and examining the practices of federal and state agencies responsible for managing and protecting predator populations and their habitats across North America. Our activities include lobbying, public relations, and education. We are currently working on a number of projects, including a book on predator control, a video on predator control, and a website on predator control.

As far as we know, Predator Project is unique in that it is the only grassroots group which approaches the plight of predators from an academic, wide perspective, and which works to implement grass-roots conservation efforts on a national scale.

Our vision is the restoration of all native predators to viable numbers in their respective suitable habitats and ecological roles. Until that time, Predator Project will work to minimize damage caused by human activities, while challenging and changing the antiquated attitudes, laws and policies which threaten all predators.

— For All Things Wild And Free —
 Predator Project
 POB 6733 Bozeman, MT 59711
 406-587-3389 (Phone/Fax)

"I depend on your newsletters and the alerts to keep me posted on what is happening in the wildlife world. It is all too easy for agencies to make decisions based on politics and special interests. Your alerts help keep them honest by informing people like me to actively participate in protecting and restoring biological diversity and integrity while there is still time." — Predator Project member, Fred Menden

Predator Project is a nonprofit, grassroots group dedicated to protecting and restoring predator populations and their habitats across North America. Our activities include lobbying, public relations, and education. We are currently working on a number of projects, including a book on predator control, a video on predator control, and a website on predator control.

The work of Predator Project is supported by contributions from individuals and organizations. We are currently working on a number of projects, including a book on predator control, a video on predator control, and a website on predator control.

Predator Project was established in a way of being a grassroots organization. We are currently working on a number of projects, including a book on predator control, a video on predator control, and a website on predator control.

- challenge and reform of the Animal Damage Control (ADC) program;
- recovery of predator populations and their habitats;
- conservation of forest habitats (0.1m, wetlands, and other natural resources);
- protection of other "wildlife" species (primarily black bear and mountain lion) from excessive exploitation.

Wild control, coupled with habitat loss, has isolated the gray wolves in northern Montana from expanding their range outside of the wildlands in that region. At least five breeding groups (one of a population of 40-60) have been "isolated" — highly killed by the federal trappers — in the past three years. Millions of our wolf pack were killed, isolated or displaced by trappers, causing the fragmentation of their wolf territories and the isolation of their wolf packs.

Habitat trapping and hunting pressures, coupled with habitat loss, have caused such a decrease in the number of wolf packs, wolves, and wolves across their historic range that wolf territories (approximately 500) by the listing of the first two species as "endangered" and all four species are now the subject of an "interagency" coordinating group established to research, review and develop cooperative strategies necessary to avoid further declines and help restore these species' numbers.

In addition, predator control, trapping and hunting of certain species has resulted in the unintentional, or "by-product," killing of species listed as sensitive, threatened or endangered. Thinned federal predator control agents, using lethal predator control tools intended for coyotes, have unintentionally killed wolves and bison. The same potential exists for gray bears too. As likely as the potential for people hunting or trapping coyotes or black bear to accidentally kill a wolf or bison, the same potential exists for people hunting or trapping a coyote or black bear to accidentally kill a wolf or bison.

And finally, more and more evidence highlights the dramatic impact of poisoning and other forms of illegal killing, as well as the lack of adequate law enforcement, on predator populations. Our well-known illustration is the poisoning of black bears for their gall bladders, which are sold on the medicinal market in Asia.

In order to protect and restore viable predator populations, we humans must maintain and restore large tracts of wild land, while protecting each imperiled species from excessive killing. Without such action, carnivores — wolves, grizzly bears, black-footed ferrets, vultures, and black bears to name a few — will continue to decline in numbers. This is the reality of the situation. We must take action now to protect these species, individuals, sub-populations, and their habitats. The loss of viable predator populations could be the loss of the last remaining functioning ecosystems.

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Predator Project Newsletter *Spring 1994*

BLM Follows US Forest Service's Example

Begins Process of Transferring Lead Agency Responsibility for NEPA to ADC

This past January, a BLM District Manager told me that the Bureau of Land Management was seriously thinking about letting the Animal Damage Control program (ADC) write the environmental assessments concerning its activities on BLM lands. Knowing that the Forest Service's decision in August, 1992 to do the same has meant that citizens lost the chance to appeal predator control decisions on national forest lands, and forced Predator Project and three others groups to challenge the transfer, I was not pleased to hear this.

The National Environmental Policy Act (NEPA) requires that an Environmental Assessment or Environmental Impact Statement be written for every "major federal action" proposed by a federal agency and/or on federal lands. It is this requirement which Predator Project and others have used, with only limited success, to increase public concern and scrutiny as a means of instilling some reasonableness and accountability into the federally funded predator control program being carried out on OUR public lands. For each analysis, there is a lead agency which is responsible for conducting what is meant to be a thorough analysis, and which consults with other interested people, groups or agencies regarding what concerns they would like to see addressed in the analysis. Although I'm not a big fan of the analogy, letting ADC be the lead agency on assessments regarding their lethal control program is like letting the fox guard the hen house.

What we've learned from the fallout of the transfer of lead responsibility from the US Forest Service to ADC tells us that the BLM's interest in doing the same is a bad idea (see *PPN* Winter, 1994; page 1). It would mean that 1) ADC would be responsible for evaluating its own program on all BLM lands, 2) the BLM would most likely not have any say in the final decision, and 3) the public's right to appeal would be nearly meaningless, since ADC's appeals process is nothing more than you write them and explain why you think their decision is wrong and they decide if they want to consider your concerns (to date ADC has not adequately considered any of the "appeals" brought against them on national forest lands).

We recently received a copy of a letter which further aroused my suspicion and concern. This letter was written by the president of the American Sheep Industry Association, and was sent in early February to Secretary of Agriculture Mike Espy. In order to show just how serious the sheep industry is about seeing this transfer happen, I've reprinted pertinent parts of that letter:

continued on page 12

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Lead Agency, cont.

"As you are aware, the American Sheep Industry Association regards the Interior Department's decision to stop preventative activities of the Animal Damage Control program on BLM lands as one of the most serious issues facing lamb and wool producers in the United States. The stop has cost sheep producers millions of dollars in increased predator losses in 1993 and is jeopardizing the livelihood of thousands of ranch families. Wyoming Ag Statistics Service figures show its state's sheep producers experienced a 32 percent increase in sheep and lamb losses last year. The value of Wyoming's losses increased from \$3.8 million in 1992 to \$4.3 million in 1993, representing a 27 percent increase.

"ASL, pursuant to its national policy, supports the assignment of all responsibilities of NEPA compliance for Animal Damage Control programs to the U.S. Department of Agriculture-APHIS with adequate funding. USDA-APHIS has lead agency responsibility for NEPA compliance for ADC activities on all land classes except BLM administered lands. ASH believes this lack of authority on BLM land has resulted in numerous disruptions of ADC activities.

"To meet the needs of NEPA compliance, it is imperative the transfer be accompanied by commitments from both departments for adequate resources in both manpower and funding. Without adequate funding for APHIS to carry out compliance activities, the industry bears the financial stress on producers will continue.

"The Animal Damage Control Program is jointly a private, state and federally funded program. Cooperative funding from the livestock industry and the state covers approximately half of the cost of each state program. We request the Department of Agriculture and the Interior commit adequate resources in the budget year to carry out federal NEPA responsibilities. In light of the Administration's budget for FY 1995 requesting a \$2.7 million decrease to ADC operation funding, we request resource allocation decisions even more important.

"Second, preventative animal damage control is essential to protect vulnerable lands and to keep predator populations at a manageable level. Sheep producers in the affected BLM districts have already suffered a full year with no preventative ADC work. Lambing season is rapidly approaching for many of these producers and without relief for the current BLM-placed restrictions, the transfer of NEPA responsibilities to USDA-APHIS will not alleviate losses to producers this season.

"In order for effective predator control to proceed, the BLM must immediately withdraw the April 1995 suspension of ADC preventative control. Furthermore, respective BLM District Managers must withdraw the Findings of No Significant Impact (FONSI) which have been appealed. With the withdrawal of these FONSI, the Interior Board of Land Appeals must then expeditiously disallow all appeals of BLM District Environmental Assessments on Animal Damage Control. Several of these appeals have been pending for more than a year.

"Finally, to ensure the consistency of the ADC program, the implementation of Understanding facilitating the transfer of NEPA responsibilities from the Bureau to APHIS-ADC should follow GEO regulations. The MOU between the Bureau and APHIS-ADC should not require ADC to cooperate strictly with state wildlife agencies. Flexibility must be incorporated into the language since state agencies with responsibility over agricultural predator problems vary from state to state. ADC also needs to be able to cooperate with state agencies, health and wildlife agencies since ADC's activities overlap into all these areas of responsibility.

"The BLM's role in approving ADC should be consistent with the BLM District's management program. Once APHIS employees or contractors perform the actual activities, it must be the case for BLM to be primarily responsible for public safety. If APHIS is to be the lead agency, BLM's role as a cooperating agency should meet its strategy and program responsibilities."

"While I could go into great detail about the fallacies and misinformation printed in this letter, let me just point out the major flaws and concerns worth noting. First and foremost, I want to discuss the statement regarding the percentage of ADC's funding which comes from the livestock industry and the state by looking at Fiscal Year 1992. Mr. Miller alleges that private lands and the state "covers approximately half of the cost of each state program." Since Mr. Miller is concerned about ADC's effort to protect livestock from predation, and since Mr. Miller is concerned about ADC efforts on BLM lands, I have presented the figures which ADC spent protecting livestock in the eleven western states (or those states where ADC conducts predator control on BLM lands). The figures speak for themselves. The other non-federal categories not included in this chart are funds from counties, cities, for sales, revolving funds, and individuals — which account for a total of \$2,789,500, the vast majority of which came from county funds.

Other important omissions in his letter include the fact that he never mentions:

- 1) the statistics on livestock losses are likely based on "reported," or unconfirmed, losses;
- 2) ADC activities on BLM lands were restricted (due to various rules by the

Federal Safety of the United States) because at least eight BLM Districts were out of compliance with NEPA, and ADC was operating on OUR public lands without having been subjected to any formal analysis what-so-ever; 3) by the time a transfer of lead agency responsibility is completed, the lambing season for this year will have passed; and 4) by the time the transfer is completed the BLM will have completed environmental assessments on nearly all, if not all, of its Districts

ADC Expenditures for Fiscal Year 1992

State	Federally-Appropriated Funds For Livestock Protection	State Funds For Livestock Protection	Organizational Funds For Livestock Protection
AZ	395,791	75,000	100,989
CA	1,644,784	370,748	0
CO	699,340	31,600	188,286
ED	687,846	0	322,737
MT	328,216	314,189	0
NV	631,623	405,912	98,526
NM	804,410	283,340	31,793
OR	437,003	149,000	0
UT	262,582	627,230	0
WA	913,433	137,305	2140
WY	893,431	36,000	47,206
Total	\$8,242,478	\$2,492,224	\$801,697

which have historically been out of compliance (thus making many of the ASL's points moot).

What You Can Do

After kicking around, word has it that the BLM is indeed actively involved in the process of working out the details of such a transfer of lead agency responsibilities for NEPA documentation of ADC activities on BLM lands. At risk is the ability to force ADC to adequately justify and adequately assess the environmental impacts of its program on tens of millions of acres of OUR public lands. Please let Secretary of the Interior Bruce Babbitt, Secretary of Agriculture Mike Espy, and Acting BLM Director Mike Donohoe know your mind on this issue. Predator Project's perspective is that the BLM should retain its role as lead agency for NEPA analysis of ADC activities so that it has the ability to adequately critique or challenge ADC's proposals and data, and so that the BLM can have final say in what occurs on these lands under its jurisdiction. The BLM should also be given increased funding to insure that the agency can adequately 1) analyze ADC's activities, and 2) monitor and enforce whatever restrictions it places upon ADC. Write to: Department of the Interior and the BLM at 1849 C Street, NW Washington, DC 20240; and write to the Department of Agriculture at 14th Street and Independence Ave., SW Washington, DC 20250. — TS

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